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INTERNATIONAL PRISON COMMISSION

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CHILDREN'S COURTS

IN THE

UNITED STATES

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THEIR ORIGIN, DEVELOPMENT, AND RESULTS

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# CHILDREN'S COURTS IN THE UNITED STATES.

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THEIR ORIGIN, DEVELOPMENT, AND RESULTS.

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Reports prepared for  
penal and  
THE INTERNATIONAL PRISON COMMISSION.

SAMUEL J. BARROWS,  
COMMISSIONER FOR THE UNITED STATES.

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APRIL 25, 1904.—Referred to the Committee on the  
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## LETTER OF TRANSMITTAL.

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DEPARTMENT OF STATE,  
*Washington, April 25, 1904.*

SIR: I have the honor to transmit herewith, for the information of Congress, a copy of a letter from Mr. Samuel J. Barrows, commissioner for the United States on the International Prison Commission, inclosing a report of children's courts in the United States.

I have the honor to be, sir, your obedient servant,

JOHN HAY

Hon. JOSEPH G. CANNON,  
*Speaker of the House of Representatives.*





## LETTER SUBMITTING REPORT.

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135 EAST FIFTEENTH STREET,  
*New York City, April 23, 1904.*

SIR: I have the honor to present herewith a report on children's courts in the United States, a subject which has assumed great importance in our judicial system as a means of child saving and the prevention of crime.

I respectfully request that the same may be transmitted to Congress as a report of the International Prison Commission.

I have the honor to be, sir, your obedient servant,

S. J. BARROWS,  
*Commissioner for the United States on the  
International Prison Commission.*

Hon. JOHN HAY,  
*Secretary of State, Washington, D. C.*



## INTRODUCTION.

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By SAMUEL J. BARROWS.

*Commissioner for the United States on the International Prison Commission.*

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If the question be asked, "What is the most notable development in judicial principles and methods in the United States within the last five years?" the answer may unhesitatingly be, "The introduction and establishment of juvenile courts." Never perhaps has any judicial reform made such rapid progress. Beginning in Chicago in 1899, this institution has sprung up in city after city and State after State until it is now established in eight States and eleven large cities.

This progress has been made not merely by changes in procedure or legal technique, nor by the introduction of a new method; it is most of all by the introduction of a new spirit and a new aim.

In the application of the same repressive machinery which has been traditionally applied to older offenders, children have been sent to the same jails and have often been confined in the same tiers or even in the same cells with hardened criminals; they have been judged by the same laws and in the same spirit. The main question before the court has been, "How much of a man is this child? Did he know that a particular action was wrong, and how much shall he be punished for this particular offense?" In short, the judicial attitude of society toward the child has been that of punishment and repression.

The attitude of the juvenile court, on the other hand, is benignant, paternal, salvatory, and for these very reasons is more efficiently corrective. It must not be supposed that the juvenile court is only a smaller court for smaller offenders or simply a court holding separate sessions for such offenders; it represents an altogether different principle. The juvenile court is a life-saving institute in society.

It is scarcely necessary to say that child-saving methods, institutions, and organizations have long flourished in the United States. The Northern States have regarded juvenile reformatories as a part of their correctional equipment, and the courts have served as vestibules for such institutions; but they have only been incidentally a part of the process. We have not before realized what the court might be and do before resorting to institutions.

The children's court still maintains relations with the reform school, but it represents in itself active and vital forces and invokes a whole range of influence and motives which are personal and formative. It appeals to the reform school not as the first, but only as the last resort. The juvenile court has discovered that the child is a child, and, as Judge Hurley says, "The child should be treated as a child. Instead of reformation, the thought and idea in the judge's mind should always be formation. No child should be punished for the purpose of making an example of him."

In the juvenile court the child is corrected, but he is not corrected as a criminal. Above all, he is not corrected so as to make him a criminal. The court does not turn over to any other institution the work that it can do and should do itself.

Not all children's courts rise to the heights of their possibilities any more than do other human institutions; but to know what such a court may be we have only to see what in some places it really is. It has already passed beyond the stage of experiment; it is old enough to have an experience and young enough to have a future.

#### ORIGIN OF CHILDREN'S COURTS.

Not until a new invention is brought into the world and its success is demonstrated do we discover the various steps which led to it. Then it is easy to see that the undeveloped germ had existed perhaps years before. So we now find in English chancery law authority conferred upon the judge in relation to children which invests him with nearly all the powers required for a judge of the juvenile court. Nor is that feature of the children's court which consists in a separate trial for juvenile offenders new. In this country Massachusetts had long taken the lead in securing a trial for children separate from the session for adults, and had provided for the presence of the State agent in juvenile cases and had placed children in the care of Protestant and Catholic societies. In New York the Society for the Prevention of Cruelty to Children had taken for years the legal care of children under 16 years of age arraigned before the courts. The placing-out system had been successfully conducted in Michigan and Massachusetts and in Pennsylvania and Maryland. The children's court, however, as it has been developed to-day did not exist. In the States named the need of it was less evident because of the improved methods of dealing with children already described.

The children's court first went into operation in Chicago, July 1, 1899. It was established in that city as a protest against judicial methods of dealing with children. Children had been kept in police cells and jails in company with the worst offenders. "Under such conditions," says Judge Tuthill, "they developed rapidly, and the natural result was that they were thus educated in crime, and when discharged were well fitted to become the expert criminals and outlaws who have crowded our jails and penitentiaries. The State had educated innocent children in crime, and the harvest was great."

It was not without a hard fight that the juvenile-court law of Illinois was established. It was not a perfect law, but it was a beginning in a new direction. The duty of holding the juvenile court was placed in the circuit court. Police officers were detailed to act as probation officers. Women probation officers were supported by the Chicago Women's Club. An experienced lawyer on the staff of the city law department was appointed chief probation officer to look after the preparation of papers and superintend the work of the probation officers. Children instead of being sent to jail were permitted to remain with their parents or kept at the detention home. Admonition and probation were tried with the most beneficial results.

In Buffalo the prelude to the work of the children's court was separate trials for children, established by Judge Murphy. In Denver



Judge Lindsey, and in Indianapolis Judge Stubbs showed how much could be done without new legislation by judges who were determined to go just as far as they could go in changing bad conditions for the better. But even they found themselves hampered without important changes in the law. Clear it is that the juvenile court needs for its best effect a good judge and a good law. Judges have been the strongest enemies of the innovation and judges, too, have been its warmest friends.

In Philadelphia the trial of a child 8 years of age in a criminal court was the incident which set the juvenile court in motion. It was the women there, under the lead of Mrs. Hannah Kent Schoff, who took hold of the work of securing a children's court and of supporting the necessary probation officers. Likewise in Missouri the reform came largely under the leadership of women because young children were jailed and held as criminals. In Colorado the enthusiasm of the judge has been matched by the enthusiasm of the women, and splendid success has been achieved there.

What has been most significant in developing the children's courts in this country is the moral awakening of the community to a new consciousness of its duty to the child. In some States evidence of such consciousness of responsibility could be found on the statute books; but sleeping laws do not execute themselves. Judge Lindsey observes that even before the juvenile law of Illinois of 1899 became effective Colorado had upon her statute books nearly every feature of that law, though not put into actual practice. Yet in spite of these laws conditions in that State were intolerable. Over 2,000 Denver boys between 10 and 16 years of age were thrust into a wretched jail during the six years prior to the establishment of the juvenile court. It will be seen, therefore, that the real history of the juvenile court does not date from scattered provisions on the statute books of the States, or even from any codification of them, but rather from the embodiment and organization of a new spirit and a new method in actual practice. As Judge Lindsey says: "It is not so much a question of law as a question of work for and with the children. It is a question of doing the thing."

#### THE UNDERLYING PRINCIPLE.

The underlying principle of the Illinois law, as given by Judge Tuthill, is—

that no child under 16 years of age shall be considered or treated as a criminal; that a child under that age shall not be arrested, indicted, convicted, imprisoned, or punished as a criminal.

Mr. Hurley, of the same court, says:

The child should be treated as a child. Instead of reformation, the thought and idea in the judge's mind should always be formation. No child should be punished for the purpose of making an example of him, and he certainly can not be reformed by punishing him. The parental authority of the State should be exercised instead of the criminal power.

Judge Tuthill likewise says:

The idea of punishment is eliminated. The facts are considered merely as evidence tending to show whether the boy is in a condition of delinquency, so that the State, standing in loco parentis to the child, ought to enter upon the exercise of its parental care over him.

## METHODS.

The methods of children's courts, or juvenile courts, as they are termed in some States, differ in different places. In some States the judge is detailed from some other court; in some courts but one judge is assigned to this work. In New York several judges from the court of special sessions act successively in turn as judges of the children's court. In Maryland and Indiana the judges of the children's courts exercise this function only, and it is claimed that it is better than the method of rotation, since the judge who confines himself to juvenile court cases becomes a specialist in this work. In Colorado Judge Lindsey is not only judge of the juvenile court, but also of the county court. He finds advantage in the fact that in his first capacity he can protect the child, while as judge of the county court he can also sentence the guardian or parent who is responsible for the child's delinquency.

## THE PROBATION SYSTEM.

An essential feature of every juvenile court is the probation system and probation officers. Their duty is to investigate the case before trial, and, if the child is placed on probation, to exercise watchcare over them until the period of probation is closed. It is in this way that the parental care of the State is exerted. "The law recognizes the truth," says Judge Tuthill, "which sometimes has been lost sight of, that the parental care of the State can be exercised only through individuals. The passing of laws will amount to nothing unless there be men and women to exercise, in the name and in behalf of the State, over each child the care which wise, patient, and loving parents exercise over their own children, so far as is possible."

In some courts probation officers are paid by authority of law; in other courts they are made up wholly of unpaid workers or of those paid by charitable organizations. In spite of the diversity of practice, the weight of opinion and experience favors paid probation officers for the daily work of investigation of children brought before the court, with the assistance of volunteer officers to help care for those placed on probation. Attention is invited to the opinion of Judge Tuthill (p. 5). Mr. Bert Hall, of Wisconsin, thinks "that the public ought to pay for this most important work, and that only persons known to be expert in the management of children should be appointed." Similar testimony is rendered by Judge Lindsey (pp. 39 and 59).

In Buffalo, where the unpaid system prevails, probation is nevertheless recognized by Judge Murphy as "the keystone of the system." "Much might be said of the advantages of a separate court for children, but I should feel that the arch was not complete had probation been omitted from it or had probation proved to be a failure."

The most interesting and striking example of the combination of the paid and volunteer officers is seen in Indianapolis. The law in Indiana provides for the appointment of two paid probation officers, and also for the appointment of many volunteer probation officers who may be needed and who are willing to serve without pay. Nearly 200 of these volunteer probation officers have enrolled themselves. A



-detailed and very interesting account of the organization in Indianapolis of this volunteer probation force and the results obtained is given by Mrs. Helen Rogers in her paper (p. 153).

#### THE PERSONAL TOUCH.

The personality of the judge, as well as that of the probation officer, is an element of vast importance in the success of any juvenile court. Such a court can not be run on automatic or mechanical methods. Let it be reduced to a mere technical mechanism of rules and procedure and it will fail altogether. A firm yet sympathetic, tactful man of magnetic personality, as well as of legal knowledge, who understands boys and can secure their confidence is the man needed for this work; and some such men have already been called to this position. Fortunately partisan politics has not yet dictated nominations or prescribed the qualifications for judges in such courts; they have thus far in nearly all cities been kept out of politics.

In dealing with adult criminals it is only in recent years that attention has been paid to the offender as well as to the offense; but in the work of the children's court it is the offender who is of first importance, and the court exists primarily not for his condemnation but for his salvation. In this work the personal attitude of the judge can not be overvalued. "I have always felt and endeavored to act in each case," said Judge Tuthill, of Chicago, "as I would were it my own son that was before me in my library at home charged with misconduct." In a similar vein Judge Stubbs, of Indiana, says:

It is the personal touch that does it. I have often observed that if I sat on a high platform behind a high desk, such as we had in our city court, with the boy on the prisoners' bench some distance away, that my words had little effect on him; but if I could get close enough to him to put my hand on his head or shoulder, or my arm around him, in nearly every such case I could get his confidence.

No judge has more forcibly illustrated this personal power than Judge Lindsey. He is not a legal hair splitter; he is a moral dynamo. He understands the boy nature and he makes boys understand him. He knows their dialect and uses it; he gets their ear, their confidence, and their heart. They will tell him stories of their own wrongdoing which they have not confessed to their teacher, their pastor, or their own parents. He not only gains their confidence, but he gains their affection, so that boys keep straight in order to keep "square with the judge." The judge, instead of being looked upon as an enemy, as is the average policeman, is regarded as a friend and ally, who even protects the boy against the nagging policeman when necessary, and who will stop a civil proceeding in the county court, a "million-dollar case," to listen to the story of such a boy and give him a note that will do it. What chains and handcuffs and jails could not do has been done by this courageous judge, who has smashed the police and judicial traditions, and after frightening the police captains and other conservative people has ended by converting them. If there is any place in which the people believe in the juvenile court, it is in Denver. The popular appreciation in which it is held is shown by the union of all political parties in the nomination of Judge Lindsey. These and other tributes of public approval have been made not because of the number of offenders he has condemned,



but of the number he has saved. And this has been done at less financial and moral expense to society than was possible under the old methods.

In this report much space has been justly devoted to describing the methods and workings of the juvenile court of Denver because of the original, courageous, and what might even seem audacious experiments which have been successfully tried in that city, and because of the large degree of cooperation, civic, educational, and charitable, which have combined to make the Denver court interesting and unique. While statistics are not lacking, nothing can show better the working of the court and the effect produced than the individual cases cited in Judge Lindsey's picturesque and circumstantial narratives.

Yet no one recognizes better than Judge Lindsey that the methods of the Denver court can not be literally copied in every large city. Their success depends quite as much upon the man who administers them as upon the method itself. Environment is also an immense factor, and what may succeed in a city of 50,000 or 150,000 inhabitants may not be successful in a city of 3,000,000.

But the experience of the children's courts in New York and Brooklyn, as set forth by Judges Mayer and Wilkin, show that the court is certainly as much needed both for the child and society in the large city as in the small one. In a great city like New York the complex conditions of social life and environment have made necessary the valuable study which Judge Mayer has given to "the child of the large city." The eight classes into which he has grouped the children coming to the children's court may doubtless be found with more or less frequency in courts of smaller cities; but nowhere are these classes more complicated, and nowhere is the vigilance, observation, and insight of the judge more severely taxed to discriminate between these causes, or to weigh the responsibility of parents, or the influence of environment than in the juvenile court of New York. As a sociological study, Judge Mayer's paper has a value not confined to the functions of the juvenile court. It opens up the whole range of preventive and educational influences and of parental and social responsibility as to juvenile delinquency. The conclusions of Judge Mayer, based on the first year of experience of the New York juvenile court, are nevertheless founded on a large number of cases and do not differ in character from the conclusions of judges whose experience has been limited to smaller cities, with a more uniform environment. Judge Mayer says:

The essential and underlying purpose of the establishment of this court was the saving and not the punishment or the restraint of the child; and wherever the child itself, the home surroundings, the nature of the offense, and all the circumstances have warranted, the judges have always felt it their duty to give the child at least one chance and try it on parole. The results have been so encouraging that we can look forward with confidence to the years that are to come and feel that many children will have been saved by this system of treatment.

#### LAWS.

In the Appendix will be found the most important juvenile-court laws of the various States. Some of these laws—for instance, that of Colorado—are the result of experience based on the practical workings of the court. In a number of States the first drafts of the



laws were found unsatisfactory. An endeavor has been made in this report to secure the latest versions of the different State laws. The special features of the Colorado laws are set forth by Judge Lindsey on page 59 of the body of this report, and on page 78 a summary of the Colorado laws is given. For those who are framing new laws it will be well to compare the laws given in the Appendix in order to adjust them to local conditions. <sup>3</sup>Whatever form of law is adopted, flexibility of method is necessary to success.

#### RESULTS.

When we ask now what are the results of the juvenile-court system it is still too soon to present a great array of statistics and percentages; but facts and figures of much value are presented on pages 125-132, relating to Colorado, and on pages 189-193, relating to New York.

It has been established in the last five years that more than half of those who are placed in the care of qualified probation officers do not need to be brought again into court. In Indianapolis the number of those charged with second offenses is less than 10 per cent. In Denver, out of 554 children placed on probation in the first two years of the court, 39 of whom are girls, but 31, all of them boys, were returned to the court because of the hopeless life of home surroundings. Out of 715 brought into court it became necessary to commit but 10 per cent to the State industrial school. Before the establishment of the children's court at least 75 per cent of those tried were committed to institutions.

In New Jersey there has been a decided decrease in the number of children brought into court. The number summoned to court does not, however, furnish the most reliable indication of success. It has been found in some places that parents, guardians, or teachers have concluded that the juvenile court could accomplish what they had not been able to effect themselves. The result in some courts has been, as it was in Denver, an increase in the number of children brought before the court. There is another reason in that city why the number before the court has increased while the amount of crime or delinquency in the community has decreased. Judge Lindsey has had phenomenal success in inducing boys to come and confess their offenses without the intervention of the police. Over 150 such boys have come voluntarily to the juvenile court of Denver during the last two years. The boys thus become themselves a great help to the court. Whatever may be thought of any endeavor to get boys to tell upon each other, which might result in a decrease of manliness, we can not fail to see the moral value of an influence which prompts boys to come to court and confess their own offenses and to induce other boys to do the same. The development in the "gang" of a sentiment of loyalty to the judge, to the probation officer, and to the community can effect what police power alone could not achieve. So remarkable has been the influence obtained over boys on probation in the Denver court that in the last two years when it has been necessary for a boy who has failed on probation to be committed to the reformatory, he has gone to the institution unaccompanied by an officer.



## C THE ECONOMIC GAIN.

C The economic gain has been great. A comparison between the cost of criminal procedure, jury fees, jailors' fees, mileage, and support of a boy in jail or at the industrial school under the old method has been made by Judge Lindsey and found in one case to be \$839, and in another case to be \$1,036.76. An expenditure of \$11.99 has been sufficient to take boys of the same class and by a change of environment under the probation system to make good citizens of them. The cost of saving boys through probation is small compared with the cost of sending them to institutions. The saving of expense in Denver in proportion to the number of trials and commitments made has exceeded \$100,000.

## D SOCIAL AND PARENTAL RESPONSIBILITY.

Another result of juvenile courts has been to reveal the sources of contamination of child life as they were never revealed before. It has been found that the children returned to court and committed are delinquents owing largely to evil surroundings and the vice and drunkenness with which they are brought into contact. In these cases little can be done without a change of environment. But this conception of parental and social responsibility has led to the passing of a law in Colorado holding parents and others responsible for the moral delinquency of children. This law not only covers cases of parents criminally neglecting their children, or saloon keepers selling liquors to minors, but other forms of theft and depredation. During the first three months of the juvenile court of Denver there were twenty-odd cases of brass stealing and similar depredations about the tracks and cars of the railroad companies. There has not been a single case of this character during the last eighteen months. "This clearly demonstrated," says Judge Lindsey, "that the trouble is with the adults and not with the children, yet in most courts it is the children and not the adults who are brought in."

3 The act as first drawn only permitted the punishment of *parents*, by fine or imprisonment, while they were responsible for the habitual truancy of their children. The present act makes not only parents but all other persons responsible either for the truancy or delinquency of the child. It provides that all parents, guardian, or other persons by any act or in any manner causing, encouraging, or contributing to the delinquency of any child, as defined by the statutes of the State, shall be guilty of a misdemeanor, and punished by a fine not to exceed \$1,000 or imprisonment not to exceed one year, or both. The result of this law is seen in the fact that out of over 100 parents brought into the Denver juvenile court for the truancy of their children, not less than 5 per cent of such children fail to become regular school attendants. Phases of responsibility which are more distinctly social than parental have likewise been revealed by the juvenile court and led to organization and effort for their correction. The whole range of preventive effort must be enlarged and intensified. Judge Mayer points out that many minor offenses, the result of mischievous acts on the part of children, may be reduced to a minimum by the adequate increase of playgrounds. In some cases physical defects are found to

be the cause of moral delinquency, requiring treatment by the court physician rather than by the judge.

Judge Stubbs, of Indiana, lays great stress upon the prevalence of the cigarette habit as a cause of juvenile delinquency.

In some cases needy children must be relieved.

On pages 122-125 Judge Lindsey gives 13 recommendations for the prevention of delinquency, namely, increased school facilities, with shower baths and club rooms, manual and industrial training, playgrounds, parents' meeting, detention school, boys' clubs for juvenile betterment, a rigid enforcement of laws holding parents and others responsible for the delinquency of children, enforced school attendance, cooperation between the schools and court, the court and the police, and the general development of a spirit of mutual helpfulness.

The juvenile court is regarded by Judge Lindsey as really a part of a number of educational and uplifting movements for the betterment of childhood. In Denver the court has been greatly aided by the formation of a juvenile improvement association and also by the cooperation of the principals of some thirty schools.

#### LIMITATIONS OF THE CHILDREN'S COURT.

While an effort has been made in this report to show the wide range of influence for good exerted by the children's court, the limitations of such an instrumentality must likewise be recognized. The children's court can not do everything, either for the child or for the State. It can not do the work of the home nor of the school; it can not counteract the effect, even by heavy penalties, of parental neglect, of intemperance, overcrowding in the slums, the lack of playgrounds, amusements, and industrial training for children. Every investigator into the causes of juvenile delinquency has felt that in the work of child saving preventive work must be enlarged and strengthened. The juvenile court is a new beacon light with the same warning. The true function of the court is educational. It educates the child, but it is also educating the community. Heretofore the child at a tender age has been amenable to the State; hereafter the State is to be in an important sense amenable to the child. In this great judicial, social, and educational work represented by the juvenile court, marking a distinctive departure in criminal procedure, the truth of the prophecy has been fulfilled: "A little child shall lead them."



# CHILDREN'S COURTS IN THE UNITED STATES.

## ILLINOIS.

### HISTORY OF THE CHILDREN'S COURT IN CHICAGO.

By Hon. RICHARD S. TUTHILL,

*Judge of the Circuit Court of Illinois, Cook County, Chicago.*

Prior to 1899 little was done in Illinois, and, so far as I know, in any other State in the Union, that was not wrongly done by the State toward caring for the delinquent children of the State. No matter how young, these children were indicted, prosecuted, and confined as criminals, in prisons, just the same as were adults pending and after a hearing, and thus were branded as criminals before they knew what crime was. The State kept these little ones in police cells and jails among the worst men and women to be found in the vilest parts of the city and town. Under such treatment they developed rapidly, and the natural result was that they were thus educated in crime and when discharged were well fitted to become the expert criminals and outlaws who have crowded our penitentiaries and jails. The State had educated innocent children in crime, and the harvest was great. The condition in Chicago became so bad that all who were cognizant of this condition and were interested in correcting it sought a remedy. A bill was prepared and presented to the legislature of the State, which, in due time, and after overcoming much opposition, was enacted into a law known throughout the world as the "juvenile-court law of Illinois."

### BASIC PRINCIPLE.

The basic principle of the law is this: That *no child under 16 years of age shall be considered or be treated as a criminal; that a child under that age shall not be arrested, indicted, convicted, imprisoned, or punished as a criminal.* It of course recognizes the fact that such children may do acts which in an older person would be crimes and be properly punishable by the State therefor, but it provides that a child under the age mentioned shall not be branded in the opening years of its life with an indelible stain of criminality, or be brought,



even temporarily, into the companionship of men and women whose lives are low, vicious, and criminal.

The law divides children into two classes, the "dependent" and the "delinquent." A dependent child, in the language of the law, is a child—

who for any reason is destitute or homeless or abandoned, or has not proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill fame or with any vicious or disreputable person, or whose home, by reason of neglect, cruelty, or depravity on the part of the parents, guardian, or other person in whose care it may be, is an unfit place for such child.

A "delinquent" child is defined to be—

any child under the age of 16 who violates any law of this State or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious, or immoral persons, or who is growing up in idleness or crime, or who knowingly frequents a house of ill fame, or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated.

The law places its enforcement upon the judges of the circuit court, who are required to select one of their number to perform these duties as a part of the judicial work of such judge. Since the enactment of the law the writer of this paper has been discharging this duty, relieved from time to time when absent from the city or on vacation by his brother judges.

The circuit court is a court of original and unlimited jurisdiction, the highest in the State, and the duties of holding the juvenile court was placed in the circuit court (which for convenience is designated "the juvenile court") as an indication by the legislature of the importance to the State of the work to be done.

The case of each child brought into court, whether dependent or delinquent, becomes of record, and every step taken in the case is shown upon the court record. The life and the surroundings of every such child are correctly deemed of greater importance and concern to the State than the disputes of citizens as to the possession of moneys and lands.

In speaking of this work I shall use the masculine pronoun, which will apply equally as well to the girls as the boys.

The initial step in the proceeding in each case is the filing of a petition by any responsible citizen setting forth the facts, all that are known, concerning the child, be he delinquent or dependent. Thereupon the parents are notified to bring such child into court, and should they fail to do this a probation officer is sent for him. A reasonable period is then allowed for notice of the time and the place of hearing. Before the hearing takes place and during the waiting period the child is permitted to remain at home with his parents or is kept at the Detention Home under the kindly care of the probation officer and wife there in charge.



## HEARING OF THE CASE.

The hearing of the case is in the open court, but with little of the formality usually observed in court proceedings. I have always felt and endeavored to act in each case as I would were it my own son that was before me in my library at home charged with some misconduct. I know of no more helpful principle to be guided by in dealing with this class of cases than that embodied in the Golden Rule, modified so as to read, "Do unto this child as you would wish to have another in your place do unto yours."

I first speak to him in a kindly and considerate way, endeavoring to make him feel that there is no purpose on the part of anyone about him to punish, but rather to benefit and help, to make him realize that the State—that is, the good people of the State—are interested in him, and want to do only what will be of help to him now and during his entire life. I think this is of the utmost importance, for the boy who has known nothing of the State but the club of the policeman and the cell of the police station and jail comes to look upon the State and the people who constitute the State as his enemies and to feel that the hand of everyone is against him, and, naturally, he in turn arrays himself against the State and its citizens; he becomes an Ishmaelite, defiant and rebellious, and rarely, if ever, does such a one become reconciled to authority and obedience to the law; his only effort will be to escape the punishment which the State provides for those who violate its enactments. This talk to the boy is intended for the parents to hear as well, and usually reconciles them to the entire proceeding, as they soon come to understand they are to be more benefited than anyone else by having their disobedient and bad boy transformed into a good boy who, when he grows to be a man, will be a good man, honest and industrious, the pride and support of their old age.

In making inquiries as to the specific acts charged against the delinquent boy I usually have not found it necessary to examine many witnesses, for the boy has, in most cases, answered my questions frankly and told me all about himself after I have gained his confidence, and his father and mother have with equal frankness, in most cases, given their views as to the conduct of their child.

The point of inquiry is not to find out whether he has done an act which in an adult would be a crime and punish him for that. The idea of punishment is eliminated. The facts are considered merely as evidence tending to show whether the boy is in a condition of delinquency, so that the State, standing in loco parentis to the child, ought to enter upon the exercise of its parental care over him.

The adjudication in the case of the delinquent child is that he is or is not in a "condition of delinquency." It being, upon the consideration of the evidence, adjudged that the child is in a "condition of

delinquency," the court thereupon decides what shall be done with him.

#### PARENTAL CARE OF THE STATE.

The law recognizes the truth, which sometimes has been lost sight of, that the parental care of the State can be exercised only through individuals. Passing laws will amount to nothing unless there be men and women to exercise, in the name and in behalf of the State, over each child the care which wise, patient, and loving parents exercise over their own children, so far as is possible.

In order to provide individuals through whom this parental care of the State can be exercised the law authorizes the court to appoint "probation officers"—as many as he sees fit. The city of Chicago, for this purpose, has been divided into districts, each of which is in the charge of a district probation officer, who may have assistants—as many as are needed.

Nothing is received in Illinois from the public treasury on this account except the salaries paid to some 15 policemen, who, in citizen's clothes, without baton or badge of office save a star under the coat, act also as probation officers of the juvenile court. From a fund which is raised through a committee of the Women's Club of Chicago, a number—10 to 15—of women probation officers are paid small salaries. Several wealthy men and women, desiring to cooperate in this work, pay each a salary to some individual probation officer appointed by the court.

There is a chief probation officer, who is an experienced lawyer on the staff of the city law department, detailed for service in the juvenile court, who looks after the preparation of the papers, directs, upon suggestion of the court, all needed outside investigations, and superintends the work of all probation officers.

It has been my almost invariable practice to place every child charged with delinquency and brought into court for the first time under the care of a probation officer and permit him to return home. Monition and admonition are given to the child and to the parents as well. The probation officer visits the home at frequent periods or requires the child to report from time to time at a designated place. This probation officer acts as a parent, and does in each case what seems wisest and best for him to do, having the authority and sanction of the court to fall back upon. The fact that in a large majority of cases this treatment by probation officers, wisely and faithfully persisted in, has so resulted that it has been found unnecessary to have the child brought into court again is convincing evidence of the wisdom, efficiency, and economy of such a course of treatment. Of course many are returned, but when one considers the squalor of the homes to which these children must return from the court, the vice, drunkenness, and criminality with which they are brought in con-



stant contact, the evil surroundings and the natural weakness of youth, one can not but wonder that many more do not slip and fall.

Facilities in the way of schools and places of detention are needed for the successful doing of this work. A place for temporary detention, pending a hearing, of the children in our larger cities must be provided, a permanent home and school in the country where children can live under the guidance of a good "house mother" and "house father," where they can be instructed and pleasantly and interestingly occupied in the school, shop, and upon the farm is in my judgment absolutely essential.

These children are suffering from disease, contagious diseases, incorrigibility, disobedience, and defiance of authority, and criminal misconduct. For such a hospital—such a school as I have spoken of—is needed as much as are hospitals for curing physical diseases. These delinquent children should be placed in such hospitals where they can be carefully watched, treated, and trained, not for a period of months but for a year, or two, or three years, if need be, until permanent reclamation is accomplished and they are adjusted to a better life.

That in such an institution recovery from such disease can be accomplished is not questioned. Those who have had the largest experience in such work under favorable conditions, who have had actual experience in it, declare that over 90 per cent of the delinquents can be and have been, under proper care, transformed and sent out into the world useful, industrious, honest, and self-supporting citizens.

#### LACK OF ADEQUATE FACILITIES.

As I have said adequate facilities for doing the work, required in order to a successful carrying out of the purpose and requirements of the juvenile-court law, must be provided. The chief deficiencies here in Illinois have been and are two:

First. There is, as stated before, no provision in the law for the payment of salaries to probation officers. The court has been, and is yet, compelled to rely on the contributions of charitable citizens for funds from which to pay salaries. The number of probation officers who can and do give all their time to the work is far too small; hence they, no matter how faithful, are unable to give to the too large number of children committed to them the care and constant attention "parental care" requires.

Second. As yet we have no such school and home in the country where children, housed in cottages, with a "house mother" and "house father" to watch over them, can come to know family life and be brought under the elevating influences of a good home, where they can be instructed in matters which will awaken and hold their interest, and serve at the same time to fit them for the real duties and

work of their lives. Such a school and home is now in process of erection upon a tract of the finest farm land in Illinois, in extent nearly 1,000 acres, which was bought (by the generous contribution of the citizens of Chicago, aggregating in amount \$100,000) and given to the State as a site to erect suitable buildings upon. The general assembly has already given \$325,000 for buildings and \$50,000 for maintenance and will give more in the future.

Instead of such a home and school as the "St. Charles Home for Boys," above referred to, we trust will soon be, we have had for delinquent boys the John Worthy School, which is, in fact, a part of the city bridewell. True, the school is under the best of supervision, with an unsurpassed corps of teachers; true, a great good has resulted from the care and instruction given these boys there; but the capacity of this school is so limited that it has not been possible to keep the boys there for a sufficient time to get the best results, as it has been found necessary to discharge those who were doing well in order to give place to new cases for whom else there would be no room. Then it is a *prison*.

#### FACTS FROM COURT RECORDS.

Having premised this much I will, in closing, give a few figures taken from the court records to indicate what has been accomplished under the inadequate force of probation officers and in the inadequate John Worthy School.

These figures cover a period of nine months, extending from February 1, 1903, to November 1, 1903. Of 1,301 cases of delinquent boys adjudicated upon by the court within that time, 715 were released and placed under the care of probation officers; 505 (nearly all of whom had before, when first brought into court, been placed under probation officers, but by reason of bad environment at home and the inability of probation officers to give the needed attention to so many had been brought again into court) were sent to the John Worthy School; 58 were dismissed; 17, because of their age and confirmed criminal characters, were transferred to the criminal court, in order that they might be sent to the State Reform School, and 6 were sent to institutions caring for dependent children.

Of the 505 sent to the John Worthy School, 326 went for the second time, 99 for the third time, 33 for the fourth time, 5 for the fifth time, 3 for the sixth time, and 1 for the eighth time.

Had it been possible to keep all of these 326 boys in the school from one to two or three years, I am confident that 90 per cent of the boys brought into court would have been successfully cared for. That largely more than half of them placed under the care of probation officers were not returned to court is, I submit, the strongest indorsement of the humane and parental-care method for delinquent boys provided for under the juvenile-court law.



## DEVELOPMENT OF THE JUVENILE-COURT IDEA.

T. D. HURLEY, *President Visitation and Aid Society of Chicago.*

A new departure from the existing order of things must be successful if it would be popular. Few human beings are so constituted that they care to be identified with a measure of any kind calculated to bring about a radical change to the extent of pushing it against great opposition. Reformers throughout the United States realized that the worm in the bud, the poison that was destroying the life of good citizenship, the moth that was gnawing at the fabric of human society until it was becoming tattered and disreputable was the fact that the rising generation was growing up surrounded by seasoned vice and hardened criminality. They realized, too, that if the crime disease should ever be destroyed the work of fumigation must begin in the homes and with the children, and that they must be cured by being educated and loved out of their ignorance and desolation.

Every person interested in studying conditions and helping people to rise above them knew that nothing could be accomplished along this line without the arm of the State backing them up in the form of legislation which would help them. The need of legislation of this kind was discussed at meetings and before clubs, but no good was accomplished, because there was no strong, guiding hand back of the movement. No battle was ever yet won without a master hand and brain at the head of the army. The necessary leader was lacking among the reformers, and as a consequence while a great deal of ammunition was used most of it was wasted, scattered, and rendered ineffective, because the aim was poor and the mouth of the weapon was not turned squarely upon the enemy, and because the undertaking was such a great one that each State hesitated to take the initiative and lead in the fight against the forces of evil and crime.

At last the Visitation and Aid Society of Chicago, after years of discussion and agitation, drafted a bill relating to child saving, embracing the work that was being done by the child-saving societies, and had it introduced into the Illinois legislature in the spring of 1891. This measure caused considerable discussion and was finally defeated, on the ground that it was advanced legislation. Agitation was continued in Illinois among the societies—child-saving societies, women's clubs, and other public bodies—until finally, in 1899, the Bar Association of Chicago appointed a committee, of which Harvey B. Hurd was chairman. A determined stand was taken by this committee against the forces of the enemy, and lacking a weapon that would enable them to make an intelligent fight a new law was drafted. The juvenile-court law was the result. This law went into force on July 1, 1899.

Requests for copies of the juvenile-court law began to pour in from all directions. These requests were promptly answered and copies of



the Juvenile Court Record, published by the Visitation and Aid Society, containing the necessary information, were sent to applicants.

Agitation began in other States for a law similar to the one passed in Illinois, and those who helped to form the Illinois law were invited to visit other States to explain the measure and the method of administering the law in Cook County.

The Illinois law proved so satisfactory that many judges throughout the country, not wishing to await the action of a legislature, established branches in their several courts for children cases only, and in the treatment of the cases applied the probate and chancery powers of the court. This was the case especially in Denver, Colo., where Judge Ben D. Lindsey had a complete and well-equipped juvenile court and probation system before the legislature took any action whatever. A like court was subsequently adopted in Indianapolis by George W. Stubbs. The two latter courts were carried on practically in the same way that they have been since laws were adopted by these States. In most of the States the probation officers are volunteers. The judges in Denver and Indianapolis had no trouble whatever in establishing a probation system, because of the volunteer assistance rendered by women's clubs.

The work is yet in its infancy, and should be a matter of discussion at all women's clubs and child-saving societies throughout the country until juvenile courts are adopted in every State in the Union. These courts should not apply solely to large cities, but the principles of the juvenile-court system should be applied in all courts where children's cases are heard. The underlying principle is that a child should be treated as a child. Instead of reformation, the thought and idea in the judge's mind should always be formation. No child should be punished for the purpose of making an example of him, and he certainly can not be reformed by punishing him. The parental authority of the State should be exercised instead of the criminal power.

It was never contemplated that the juvenile-court law of Illinois could or should be adopted in its entirety in other States, but some feature of the law can be ingrafted on the laws of other States. For example, a separate court might fit the needs of one State, probation officers another, recognition of child-saving societies others, preventing children from being confined in prisons, visitation of institutions and formal indorsement of the same by some official body of societies and persons engaged in the work still others; last and greatest of all, the section of the law compelling parents, when able to do so, to support their children wherever they may be, which would seem to be useful in every State. The principal feature of the juvenile-court law should always be uppermost in the minds of those interested in securing similar laws in other States, and that is to transfer the care and custody of the person of the child to a court of original and

unlimited jurisdiction, so that the court shall have sufficient power to deal with the difficulties that surround the particular child, not only at the time it is brought into court and becomes a ward of the court, but at any time when it may be brought into court in the future to have its growing wants supplied by the court standing in loco parentis.

Judge Lindsey, of Denver, in his study of the question and as the result of his practice as judge of the Denver juvenile court, succeeded in having the legislature adopt two separate laws in connection with the juvenile-court law of Colorado. These two laws have proved very beneficial. The first law is made to apply to any parent contributing to the delinquency of a child. Penalties are provided and the parent may be made to answer for his neglect of the child or for his direct act which resulted in delinquency or dependency. The second law pertains solely to third persons. A sample case was before the court recently. The child was arrested for drunkenness and the case transferred to the juvenile court. The parent was charged with delinquency in a separate proceeding in the juvenile court, the charge being that the child had been sent to a saloon for liquor, which was a violation of the parental juvenile-court law. The saloon keeper who sold the liquor to the child was charged in a separate proceeding with contributing to the delinquency of the child by selling liquor to it. A fine of \$25 was imposed on the mother and suspended pending good behavior. A like fine of \$25 was imposed on the saloon keeper and suspended on condition that he would sell no more liquor to minors. The saloon keeper was an honest German who conducted an orderly place and was very much surprised to know that he had contributed to the delinquency of a boy. He not only promised that he would not sell to minors, but that the suspended fine would not be collected, as he would never violate the law again in that respect. Judge Lindsey informs us that he has faithfully kept his promise. The mother was likewise surprised that she could be charged with delinquency and a fine imposed. The child was placed on probation in the care of a probation officer.

It will be seen at once that the Colorado juvenile-court law is an improvement of the entire system. It not only deals with the child, but goes at once to the cause of delinquency.

## NEW YORK.

### HISTORY OF THE JUVENILE COURT OF BUFFALO.

By HON. THOMAS MURPHY, *Police Justice.*

To save children from lifelong consequences of childish errors, to check their feet at the very entrance of the downward road and to set them upon the gently graded pathway leading to usefulness and happiness, to let them expiate a fault at their own homes under the surveillance of kindly probation officers, and to accomplish these ends without the publicity that tends to blast later attempts at well-doing, as well as to save young souls from the taint of contact with matured criminals, these were the purposes sought to be accomplished in the establishment of the juvenile court of Buffalo.

#### HISTORY AND LEGISLATION.

The necessity of some such an institution was very apparent when I assumed the office of police justice in Buffalo on the 1st of January, 1900. At that time police magistrates had it at their option to conduct the trial of juvenile cases apart from those of other criminal cases, under section 291, paragraph 7, of the Penal Code, which provided:

All cases involving the commitment or trial of children for any violation of the Penal Code in any police court or court of special sessions may be heard and determined by such court at suitable times to be designated therefor by it, separate and apart from the trial of any other criminal cases, of which session a separate docket shall be kept. All such cases and cases of offenses by or against the person of a child under the age of 16 years shall have preference over all other cases before all magistrates and in all courts and tribunals of this State, both civil and criminal.

At the first session over the court at which I presided I announced that thereafter children would be tried separately and apart from adults, the latter in the morning and children in the afternoon, and I insisted that at the trial of the children the court room be cleared of all spectators. No one was allowed to be present at the trials but the defendants, the complainants, and the court officers and witnesses. In this I had the hearty cooperation of the principal newspapers of the city, since the best of them had made a practice of excluding from their columns, for some years previous, all stories of children's offenses. And thus originated the juvenile court of Buffalo.]



Experience soon demonstrated that while the separate trial of children was advantageous, the results obtained were not all that could be desired. Some offenses were of such a shocking nature that the child was sent to a reformatory direct, as an example to others; some were so trivial that nothing more than a reprimand was administered, while a great majority of cases were found to require an intermediate form of treatment. † Incarceration would be too severe and a reprimand too lenient to command respect for the law. Probation offered the solution.

Soon thereafter an effort was made by the officers of the charity organization of Buffalo, which has taken an active part for years for the betterment of the poor of the city, together with other persons engaged in humane work, to cause a law to be enacted by the State legislature for the appointment of probation officers for juvenile courts. This effort failed. Immediately thereafter the Charity Organization Society appointed a committee to prepare a bill to be introduced in the legislature providing for the institution of a juvenile court and probation officers for the city of Buffalo.] The committee was composed of the following-named gentlemen: Adelbert Moot, Herman J. Kreinheder, Frederic Almy, Robert W. Pomeroy, W. H. Gratwick, and myself. I had the honor to draw the bill, which was heartily approved by the committee, the charitable and humane societies, and all religious denominations of our municipality. / It was introduced in the lower house of the legislature by Hon. Edward R. O'Malley, enacted into a law at that session, and went into effect immediately upon being signed by the governor. And thus Buffalo came to have the juvenile court in practically the same form as it exists to-day. The following is a copy of the law:

SEC. 384 B. *Probation officers.*—The police justice shall have authority to appoint or designate not more than five discreet persons of good character to serve as probation officers during the pleasure of the police justice; said probation officers to receive no compensation from the public treasury. Whenever any child under or apparently under the age of sixteen years shall have been arrested it shall be the duty of said probation officers to make such investigation as may be required by the court; to be present in court in order to represent the interests of the children; when the case is heard to furnish to the police justice such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

SEC. 384 C. Whenever any such child is found guilty of or pleads guilty to any crime or misdemeanor before the police justice, the said police justice may in his discretion suspend sentence during the good behavior of the child so convicted. The child so convicted may be placed in the care of said probation officer for such time, not to exceed three months, and upon such conditions as may seem proper. Said probation officers shall have the power to bring the child so convicted before the police justice at any time within three months from the date of conviction for such disposition as may be just. When practicable said child shall be placed with a probation officer of the same religious faith as the child's parent.

In compliance with the above law I appointed five men as probation officers. A year's experience, however, demonstrated that additional



officers were necessary, and the above measure was amended to read, "not more than ten," instead of "not more than five" probation officers.

When this court went into operation, through the courtesy of the superintendent of the poor and the coroners of Erie County, I secured the children's room in the office of the former in one of the county buildings for this court. This building is several blocks distant from the police court, and the room in which the juvenile court was held is large and airy, with nothing in its appearance or equipment suggestive of criminal proceedings. At the present time the juvenile court sits in the office of the medical examiner, which is even more cheerful in appearance than the room where the court has been wont to be held.

The first probation officers were, Frederic Almy, treasurer of the Charity Organization Society; Leopold Keiser, president of the Hebrew Board of Charities; Charles F. Reif and Joseph H. Carr, truancy officers of the department of education, and Martin McDonough, of the Charity Organization Society. In addition thereto I subsequently appointed Anna E. Gaffney, Elizabeth B. McGowan, Louise Montgomery, Dr. Jane N. Frear, and Frank Ruszkiewicz. Since then have been added the names of Mary E. Remington, Fred. C. Gratwick, and M. E. Adams, who were appointed to fill vacancies. They are all eminent ladies and gentlemen and have been selected as far as possible to represent the different religious faiths and leading charitable institutions. The workings of this court were carefully observed by the many people interested in juvenile work all over the State, and the results were so satisfactory that in January of this year the legislature enacted a law making the juvenile court system of Buffalo applicable to the entire State of New York, and making it compulsory to try children separate and apart from adults.

All children under the age of 16 years are tried in this court for violations of the Penal Code committed within the city. Violations of ordinances are tried usually in the municipal court, a court of civil jurisdiction. The process of arresting children is the same as in adult cases, except as to the matter of detention before trial.

When arrested the child is brought to the police station. His parents are immediately sent for, who furnish bail for his appearance in court. Unless the offense be very serious the parent is accepted on the bond, though he has no property qualifications. In many of the trivial cases the child is allowed to go solely upon his promise to appear in court. I can not recall a case of a child allowed thus to go upon his honor who has failed to appear without some bona fide reason. Locking the child up in the station house is almost always avoided.

Sessions of the court are held semiweekly, Tuesdays and Fridays, and are usually of short duration, beginning at 2 o'clock in the afternoon. The court room contains a desk for the judge and one for the

clerk and stenographer. Seated about and within easy hearing distance of all that transpires are the probation officers. Outside the rail and in a room adjacent to the court are the children to be tried, the police officers, parents, and witnesses. When a case is called the police officer comes forward with the child to the judge's desk. The parents and witnesses follow. The charge is then read. The child is asked to state whether the same is true or untrue, whether he pleads guilty or not guilty. If the plea be "not guilty," witnesses are sworn for the people and on behalf of the defendant, as in adult cases, though the examination is less formal. Lawyers do not practice in this court, and the police-court audience is absent.

If the child is convicted, then comes the question what to do with him. This largely depends upon the nature of the offense and his previous reputation. The environment of the child has a good deal to do with the disposition of the case. But as a general rule a first offense, other things being equal, meets with a reprimand and suspension of sentence. If it seems advisable to proceed to severer measures, suspension of sentence under probation is resorted to. If placed under probation he is introduced to a probation officer, who gives him a card containing the probation officer's name and address and is instructed to call upon him the following week. Generally the probation officer makes it a point to learn whether the child has any steady occupation. If the child does not attend school the probation officer lets him know that he wants him to mend that and to bring him a good report from his teacher. If it be during vacation and he is old enough to work, the probation officer learns from the child whether he is doing any work or not. If not, the officer says, "Let me hear that you are doing something useful when you come to see me next week. There is something for every boy to do. The boy who does nothing is a loafer and is cheating all his brothers and sisters in the world of the food he eats. I don't care what the job is, but let me hear that you are doing something."

When a child has shown himself incorrigible under the probation system and is beyond the control of home government he is then committed to some reformatory or home for wayward boys. In very many cases it is the parent who first despairs of controlling the boy at home, and it is the probation officer who stands by the child to the last to save him from the reformatory.

#### RESULTS OF THE PROBATION SYSTEM.

The best results of the juvenile court are the fruits of probation, the keystone of the system. Much might be said of the advantages of a separate court for children, but I would feel that the arch was not complete had probation been omitted from it or had probation proved a failure.

Since the juvenile court was started, July 1, 1901, there have been



brought before it up to the 1st of October, 1903, 2,243 cases of juvenile offenders. The disposition of these cases was as follows:

|                                                                                              |       |
|----------------------------------------------------------------------------------------------|-------|
| Committed to Home for the Protection of Destitute Catholic Children,<br>Buffalo .....        | 124   |
| Ingleside Home .....                                                                         | 5     |
| Asylum of Our Lady of Refuge .....                                                           | 17    |
| Western House of Refuge for Women, Albion, N. Y. ....                                        | 4     |
| State Industrial School at Rochester, N. Y. ....                                             | 105   |
| Berkshire farm .....                                                                         | 8     |
| George Junior Republic .....                                                                 | 2     |
| Committed to the county superintendent of poor for commitment to other<br>institutions ..... | 47    |
| Truant school .....                                                                          | 14    |
| Orphan asylum .....                                                                          | 3     |
| Home Mission .....                                                                           | 1     |
| Jail .....                                                                                   | 2     |
| Held for the grand jury .....                                                                | 1     |
| Fined .....                                                                                  | 9     |
| Sentence suspended with reprimand .....                                                      | 306   |
| Discharged .....                                                                             | 461   |
| Placed on probation .....                                                                    | 1,134 |
| Total .....                                                                                  | 2,243 |

It will be observed that over one-half of the above cases were placed upon probation; but even that does not tell the actual facts, since the majority of those committed to institutions were placed upon probation repeatedly, and were committed after proving themselves incorrigible by milder measures. The 1,134 represent those whom probation has saved; who have taken to heart the lessons that probation was designed to teach, and who have earned an honorable discharge from the surveillance of the probation officers. They are the redeemed from error who have not offended after their first experience with the law. That so large a percentage of juvenile cases has been saved must, I think, occasion rejoicing in the heart of every thinking person. To me it is a source of never-failing comfort and encouragement.

#### TESTIMONY OF PROBATION OFFICERS.

It is the unanimous testimony of the probation officers that there is an immediate change in a child when he is placed upon probation. It is to be marked in his manner and even his dress. In almost every instance the child appears before the probation officer weekly with his hands and face washed, his hair brushed, and oh, marvel of improvement!—even his shoes shined. At first the child seems desirous merely to propitiate the influential being who can put him into jail any day by a word. Later he strives to command the approbation of the kindly man or woman who praises a boy who tries. Sometimes the seeds of character are sown in the three months of probation in which good habits are being cultivated. Many a child deemed by parents and

teachers incorrigible has, under this system, become an excellent pupil. Scores of boys, brought by their parents into the court to be dealt with for unruliness of spirit and depravity of behavior, have been brought by probation to permanent reform.

"I recall two instances which in my opinion would justify the probation system if it never did another bit of good," said Probation Officer Carr recently in the course of a conversation with me relating to the subject of probation. "They were two boys whose fathers brought them into the court to be sent away for truancy. The fathers were railroad men, earning \$80 per month, but they could not manage those boys of 12 years. They were placed on probation and committed to my care. That was in 1901, and they have long been released from probation, but I have never heard a single complaint against them since and they live in my neighborhood. They are still in school and doing well, and their fathers are talking of sending them to college. And to think that a year ago they wanted to send those boys down."

"I find that probation sets the boys to thinking," is the testimony of Miss Montgomery, one of the staff of probation officers. "And what is of nearly as much consequence is, it sets parents to thinking also. They realize that if they do not take care of their children there are others who will. But when the boys begin to think, the work of reformation has made long strides. They don't know it, but they have begun to work out their salvation themselves. I have 47 boys to look after, and have only had two brought back for a second offense. We solve the problem of reforming the boys by teaching them to devote their spare time to something useful. It is harder with girls, for the reason that there is little for girls between 14 and 16 to do outside of their own homes. The only places where we could get work for them are just the places where they are not safe."

Mrs. Gaffney, another of the ladies on the staff of probation officers, had under her charge a lad of an adventurous and roving disposition. He was required to report to her every Saturday night. Recently he managed to beat his way in the early part of the week to Chicago, and toward the end of the week found himself unable to get back. Finally he went to a police station and begged the police to send him back to Buffalo before Saturday night; he had to be back there by that time, he said. "Why?" inquired the desk sergeant. "Because I want to see a lady," answered the lad. "What lady?" persisted the officer. "Oh, just a lady what was good to me once when I was 'pinched' in Buffalo," replied the little fellow. "She asked me to be sure and come and see her every Saturday night, and I'd like to please her." He got his ticket.

Many similar instances illustrative of the sincerity with which children conduct themselves under their parole could be cited, and the



probation officers delight in telling stories of the conduct of their young charges. The children report, when practicable, to officers of their own religious faith.

Thus is the child made to feel that its religion is respected. In treating with children I consider this very important. The Jewish child finds a sympathetic hand pointing upward. The Catholic and Protestant are encouraged, each according to his own conception, to maintain as his ideal the beautiful life and sad but glorious death of Him who said, "Suffer the little children to come unto me."

#### THE CHILD OF THE LARGE CITY.

By HON. JULIUS M. MAYER, *Justice of the Court of Special Sessions.*

The first year of the children's court for the boroughs of Manhattan and the Bronx (the old city of New York) ended on September 2, 1903. During that time there were arraigned, in round numbers, 7,400 children under the age of 16 years. An accurate statistical report is now being prepared in which will be set forth with much particularity the various data as to nature of offense, convictions, discharges, commitments, paroles, suspension after parole, etc. What we are all most interested in, however, are the general human propositions relating to this subject of child crime and parental neglect in the city of New York.

The children who have been arraigned may be broadly classified as—

- (1) Mischievous children.
- (2) Children who commit crimes because of temptation.
- (3) Children who commit crimes because of environment and bad associations.
- (4) Children who commit crimes because of parental neglect or incompetency.
- (5) Children with what may be called criminal tendencies.
- (6) Children who are runaways and vagrants.
- (7) Disorderly and ungovernable children.
- (8) Children who are neglected or abused by their parents.
- (1) *Mischievous children.*—Very many children are arraigned because they engage in playing shinny, football, baseball, and other innocent games on public thoroughfares or build bonfires on the asphalt or other pavements. These acts are, of course, innocent in themselves, but are prohibited in the interest of the safety of life, limb, or property in our crowded streets. In many of these cases the judges find that the children do not know why these acts are prohibited. The child, of course, must play, and until the playgrounds of the city catch up with the needs of the child population, children must necessarily use the streets and play those games or their variations which have been known to all children for all time.

A fine or commitment to a reformatory is rarely imposed in such

cases, but the judge presiding takes great pains to point out why the game, innocent in itself, must not be played in the streets, and the parent is also instructed, with the result that very few boys offend twice in this particular. Under this general head, however, falls a class of street nuisance both prevalent and dangerous. The stone battle between boys who are members of various street gangs or crowds is a reminder almost of mediæval times. Not long since some of the "Seventy-fifth streeters" and the "Seventy-sixth streeters" were arrested. With perfect frankness and utterly unconscious either of the humor of the situation or of its seriousness, the leader of the "Seventy-sixth streeters," a boy about 12 years old, said to the court that the "Seventy-fifth streeters had stolen the election."

It appeared that the "Seventy-sixth streeters" had saved up considerable wood and other material for bonfires on election night, and all this material had been captured and secreted by the "Seventy-fifth streeters." Whereupon, according to the exact account of the leader of the "Seventy-sixth streeters," the "Seventy-sixth streeters declared war." The war consisted of a stone battle in which about 100 or 200 boys engaged. It is safe to say that not one in ten of these boys realized that the stone battle involved any danger to others than themselves. Hence the additional difficulty of determining what to do in such cases. On the one hand, the citizen upon the thoroughfare and the real-estate owner must be protected; and, on the other hand, a fine ordinarily means a very serious drain upon a respectable parent, and a short commitment of ten, twenty, or thirty days to a reformatory means a loss to the child of employment if he be working, or a serious interruption to his school course if he be a schoolboy. Usually such boys are placed on parole, with the exception that when an epidemic of stone battles breaks out in a neighborhood a fine or brief commitment is imposed upon the ringleaders as an example and a deterrent.

Upon several occasions, when addressing school-teachers and others interested in school work, I have earnestly suggested that it would be most desirable if some time in every week could be spent in explaining to the children the reasons why these acts must not be committed. Most boys, when asked why they should not throw stones or do other mischievous acts which are dangerous, answer, "Because I shall be arrested," but are unable to answer the next question, "Why will you be arrested?" This class of mischief will be reduced to a minimum by the adequate increase of playgrounds, where children may have decent amusement which occupies their time and attention. Even in the absence of adequate playgrounds much can be done by school-teachers and parents teaching simple lessons in practical civics.

(2) *Children who commit crimes because of temptation.*—The crime committed under this head is most usually theft. It is with children as with adults. The opportunity presents itself at a time when the



child for some reason or other is weakest. For instance, in one case a messenger boy was one Saturday morning intrusted by a merchant with \$3 with which to send a cable. The boy had for some time been anxious to see a certain play at the theater. The boy when questioned told how the thought came to him that the chance was ripe to gratify his desire, and how two or three times he resisted the temptation and finally succumbed, so that he disappeared with the money and went to the theater. This boy was the son of a respectable poor widow who was employed as a cleaner in an office building, and the boy up to that time had faithfully given his earnings to his mother.

Another very interesting case was that of a boy who was the son of well-to-do people. He was a great student and reader, and his parents had from time to time purchased for him books aggregating upward of 300 volumes. The boy was very anxious to get a certain book relating to travel, and while in a department store making some other purchases he noticed that this particular book was displayed for sale. He had spent all the money that day which his parents had allowed him. The boy was highly conscious of his wrongdoing, and he told how he had walked away two or three times from the counter where the book was displayed and had conquered himself. Finally, as he put it, "the devil must have been in me, because I had to go back again and the last time I took the book." Many instances of one kind or another might be given of boys of good tendencies and moral surroundings who have yielded to temptation just at a time when they seemed least able to resist. Such boys are placed on parole, and the system of parole when applied in these cases has resulted in a high average of success.

(3) *Children who commit crime because of environment and bad associations.*—Without attempting to consider long-mooted questions of heredity and environment and the like, it is safe to say that in the life of New York City bad environment is a powerful factor as an influence in child life. "Fagin" is a reality on the lower east side of the city. Case after case has come before the court in which it has appeared that children have been taught to steal by older boys and young men, who use these children as their tools and who profit from their crime. The picking of pockets and the snatching of purses, chatelaines, and other articles in which women carry money and valuables is sadly prevalent. The skill of these child pickpockets is little less than marvelous. They usually work in threes. One boy opens the purse or chatelaine and grabs the money. He passes it to another boy, who disappears as fast as he can, and the third boy throughout the transaction, by one expedient or another, diverts the attention of the person whose pocket is being picked or whose property is being taken.

In a large percentage of these cases the parents are respectable, hard-working people; in many the children have good school records;



but the difficulty is that these children have no money to spend, so that their desire to have what other children have—candy, soda water, neckties, children's fobs and the like—can not be gratified. Thus the "Fagin" finds an easy subject when he points out to the child that it will get a certain percentage of the proceeds of any theft which it successfully accomplishes.

These "Fagins" control the children to some extent also through a sense of fear. They threaten bodily harm, and between the temptations of gain and the feeling of fear the children come completely under their control.

Not long since a boy gave a complete exhibition of how to pick a pocket or steal a purse or snatch a chatelaine, and the same boy told how, when a boy was arrested, there was always somebody ready to go bail and to look out for him. This boy was 9 years old, and some conception of his knowledge may be gained by the language he used. He said that in a certain street there was "a band of grafters." He described what was meant by "the stall" (the third boy who engages the attention of the citizen while the others are picking his pockets), and showed a knowledge of methods which was extraordinary. The children who belong to this class are most largely children of the more recent immigrants, and while the parents are in most cases decent and hard working their struggle for existence is so hard that they do not seem to be able to give to their children that attention which more fortunate parents in less congested neighborhoods can give. The life of the children is in the main on the street, and it is there that they form these dangerous associations. In some cases a parole has been tried, and where the parents have moved to other neighborhoods the parole has usually been successful. On the other hand, where the same treatment has been tried in a case where the parents have remained in the same neighborhood, the parole has frequently been unsuccessful and the children have come back to court a second time charged with the same character of offense and have necessarily been committed to a reformatory.

Under this same classification, too, are to be found children who are the victims of the lower class of junk dealers. The legal difficulties of bringing home the crime of stolen goods have been peculiarly great in the case of junk dealers. For a long time many of these junk dealers in New York have induced, sanctioned, or encouraged children to steal lead pipe, iron, copper wire, and similar articles of junk which can be melted and the identification thereof destroyed. Last year the penal code was amended, upon the suggestion of this court, by providing that the purchase by a junk dealer of any goods, wares, or merchandise from a child under 16 constitutes a misdemeanor. This law went into effect on September 1, 1903, and in the first case before the court of special sessions the defendant was fined, with a



warning that in the next case a convicted junk dealer would be imprisoned. A second case followed, and the junk dealer was sentenced to imprisonment. It is hoped that this class of crime will be as effectually stamped out as has been the pledging of goods by children with pawnbrokers. A provision of the law, similar in purpose, has been most effective in the case of pawnbrokers, so that now it is extremely rare for one to take a pledge from a child. Already, in the matter of the junk dealer, there is a marked diminution in the theft of junk by children.

For the class of crime referred to under this head there can be no specific remedy suggested. It will continue so long as the population in certain parts of a city is congested and the opportunities for close association with older and criminal boys and youths made easy. As the work of the settlements and the various other educational and philanthropic activities progresses, and as more children are drawn thereby to attractive surroundings, we may hope for less of this kind of crime. But a great difficulty, as I have suggested, is the inability of the parent to give the necessary supervision to the child, as well as the failure of the parent who has lived until middle life under other conditions in other countries to understand the peculiarities and the difficulties of life in a large American city.

(4) *Children who commit crime because of parental neglect or incompetency.*—In this class of cases are to be included those children whose parents are intemperate, shiftless, or dishonest, and who become thieves, beggars, or vagrants because a bad example is constantly before them, and they really have no home. That a child under these circumstances goes astray is not to be wondered at, although frequently it is found that, where one of the parents is good, the child follows its example. There are, however, numbers of families where both parents are utterly unfit guardians. Parents of this kind are not new. Doubtless they are as old as civilization itself. In these cases the proper course is commitment to a reformatory, for parole or probation is rarely of any value where there is no proper home influence.

The difficult cases to deal with, however, are the cases of children whose parents are industrious and reputable, but who seem to have no conception at all of their duties toward their children. They fail to make a study of the child. They fail to understand him.

Frequently the father, who could well afford to give his child recreation, or a little spending money, will hold his son by so tight a rein that the child is bound to break away. Other parents of this character take from their children every cent of their earnings, allowing them only enough to pay their car fare, and sometimes not enough to buy a bowl of milk and crackers for their luncheon. I can very well understand how, in small towns and villages and country dis-



tricts, children may not need spending money, but here in this cosmopolitan city, where children of all grades meet together in the schools and on the streets, it is but natural that the child without anything should desire some of the things that other children have. It may seem a little thing, but I firmly believe that many a child would be saved from his initial wrong step if the parent would make him a small allowance, even if that allowance were only 2 or 3 cents a week. In the cases where such a course is pursued the child usually becomes a sort of little business man, husbanding his resources and willing to spend no more than his allowance; but where the child has nothing it is not strange that he should fall into temptation. Only within the past few days a boy stole from his employer, having found an outlet for the disposal of some small wares at about one-quarter their cost price. It developed that he had been a good, hard-working boy, and had given every cent of his wages to his parents, who, on their part, had allowed him nothing but his car fare, and yet the boy was bringing home each week \$4.50 earned by labor from 8 or 9 o'clock in the morning until 6 o'clock at night.

(5) *Children with what may be called "criminal tendencies."*—To some extent this class interlocks with the class referred to as children living in bad environment. I have not used the term "criminal tendencies" in any scientific sense. It is meant to refer to those children who repeat offenses, although every effort in the way of parole and the like has been tried and exhausted. The difficulty with these children is that it seems impossible to arouse in them any moral sense or appreciation of wrong. Their sole standard is not to "get caught." In this class of children are the pickpockets and the car thieves. The car thieves are the children who break into freight cars in the various freight yards throughout the city, and who steal fruits, preserves, and the like for the purpose of eating them, and who steal other articles to sell.

Owing to their small size, it is very difficult to detect the offenders. One band of such children was the pest of one of the railroad companies in New York, and it was disheartening to hear them tell how they broke into cars, and to hear them describe in detail the different kinds of cars, and what methods must be employed to get into each kind of car, and how they dug holes in certain parts of the freight yards in which to conceal the stolen goods and then at the opportune time take the goods away. Ordinarily children of this class seem not to be amenable to kindly influences. They must be checked quickly and strongly, and the discipline of the reformatory has thus far proved in many cases the only effective remedy. In some cases they turn out well under this discipline. In other cases they do not. It is simply the same situation as with adults. A certain percentage come out of the discipline reformed and a certain



percentage do not; but in any event while the children are in the institutions they are removed as a menace to themselves and to the community.

(6) *Children who are runaways and vagrants.*—It would seem as if in some children the spirit of the wanderer was born. Many of them who are vagrants and runaways are children of respectable parents. One boy who had run away several times was arraigned for the first time in the children's court. I asked him whether he thought if the court gave him one chance he would be able to stay at home, and he very frankly said that he would not. The love of adventure is still strong in the human make-up and the free life without responsibility seems to appeal to this class of children. Many of them apparently prefer sleeping in hallways to the comforts of a decent home. With these children the parole system is working fairly well, but if the boy shows an uncontrollable desire to run away he must, of course, be committed to an institution.

(7) *Disorderly and ungovernable children.*—"Disorderly" is a technical term by which is meant children who associate with evil companions and who can not be controlled by their parents. The parent in cases of disorderly children is the complainant. By "ungovernable" is meant a child who is habitually disobedient and who will not yield to parental direction. The number of these children in New York will be appreciably reduced by virtue of an amendment passed at the last session of the legislature. In many cases parents have brought children to court for the purpose of being relieved of their support, and have really brought false charges against their own children in order to have them committed to institutions. The court now has the power, in an appropriate case, to make an order requiring the parent to pay for the support of the child; and it is interesting to note how many parents conclude that their children are not so bad after all when the court threatens to make a parent who can afford it pay for the support of his child during its commitment to an institution.

Under this head also the female children most largely appear. Comparatively few females under 16 have been found guilty of any crime. Of the female children arraigned, many have been those who have been morally led astray and who are brought into the court by their parents in the hope of saving them from further disgrace. Sometimes it has been possible to save these girls by parole, more particularly where the parents have moved so that the girl is not thrown in with her old associations; but generally speaking the safer method is to commit. Such a child must be saved against herself, and freedom and the opportunity to be abroad either when going to or coming from work or school present ordinarily too many dangers upon which

to experiment with the parole system. However, the total number of female children committed is comparatively small in proportion to the total number of male children.

(8) *Children who are neglected or abused by their parents.*—These are the children who have done no wrong, but are victims of parental abuse, who are found in dirty and filthy surroundings, or whose parents are sent to the workhouse or the penitentiary for drunkenness or assault, who are beaten by their parents or whose parents do not furnish them with proper food or clothing. They are, of course, in no sense criminal children, but are unfortunates, who thus become wards of the State. They are committed to the various institutions of their respective faiths, and most of these institutions are either situated in the country or have country branches.

I have endeavored to briefly outline some essential points of interest relating to the children's court, but there are many subjects upon which I have not touched. It may be well to say, however, that the satisfactory experience of the first year of the court is the substantial success of the system of parole or probation, whereby the child is allowed at large to work out its good behavior. Our experience is not sufficiently broad to enable us yet to determine whether it is wise to parole children under 12 years of age. The child under 12 does not seem to yield as readily to parole as an older child, because it has not the intelligence, but just how well or how poorly the parole system works with children under 12 we can not say until there has been further experience.

There is one proposition, however, which is certain and is applicable to children of all ages, namely, that the influence of good parents and decent home surroundings is in general a prerequisite in a successful parole system. The necessity of reporting once a week; of attending school regularly and behaving well in the school, or of getting work and keeping at it (if the child be over 14); the kindly influence of various volunteer workers who take an interest in the children and who have been helpful to the court, and the requirement of reporting back to the court upon a certain day until the court is satisfied that the child is headed in the right direction are all useful forces which seem to bring about the permanent saving of the child.

The essential and underlying purpose of the establishment of this court was the saving and not the punishment or the restraint of the child; and wherever the child itself, the home surroundings, the nature of the offense, and all the circumstances have warranted, the judges have always felt it their duty to give the child at least one chance and try it on parole. The results have been so encouraging that we can look forward with confidence to the years that are to come and feel that many children will have been saved by this system of treatment.



## SUMMARY OF ANNUAL REPORT OF CHILDREN'S COURT OF NEW YORK.

*Summary of annual report of court of special sessions, first division, city of New York, children's court, for the year ending December 31, 1903.<sup>a</sup>*

[NOTE.—The children's court of the first division has jurisdiction over New York County, in which are included the boroughs of Manhattan and the Bronx. All children under the age of 16 years who are arrested in these boroughs on charges other than homicide are arraigned in the children's court of the first division.]

|                                                                                                                                                | Male. | Female. | Total. |
|------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------|--------|
| Total number of children arraigned                                                                                                             | 6,909 | 738     | 7,647  |
| Total number of children convicted                                                                                                             | 3,371 | 41      | 3,412  |
| Found to be ungovernable or disorderly children                                                                                                | 507   | 74      | 581    |
| Found without proper guardianship                                                                                                              | 482   | 315     | 797    |
| Number of children discharged:                                                                                                                 |       |         |        |
| (1) No formal complaints                                                                                                                       | 958   | 54      | 1,012  |
| (2) Acquittals and other discharges                                                                                                            | 1,594 | 243     | 1,807  |
| Number of cases pending Dec. 31, 1903                                                                                                          | 27    | 11      | 38     |
| Number of children committed to institutions                                                                                                   | 1,372 | 295     | 1,667  |
| Number of children in whose cases sentence was suspended after conviction (including cases where sentence was suspended after parole)          | 2,621 | 127     | 2,748  |
| Number of children released on parole after conviction                                                                                         | 1,146 | 58      | 1,204  |
| Number of children in whose cases sentence was suspended after parole                                                                          | 749   | 18      | 767    |
| Number of children committed for violation of parole                                                                                           | 146   | 12      | 158    |
| Number of different institutions to which children were committed (the institutions being selected with regard to the religion of the parents) |       |         | 31     |
| Number of children convicted or found to be ungovernable or disorderly or without proper guardianship:                                         |       |         |        |
| Between ages 1 and 7 years (without proper guardianship) <sup>a</sup>                                                                          | 323   | 129     | 452    |
| Between ages 7 and 12 years                                                                                                                    | 875   | 74      | 949    |
| Between ages 12 and 14 years                                                                                                                   | 1,355 | 82      | 1,437  |
| Between ages 14 and 16 years                                                                                                                   | 1,807 | 145     | 1,952  |

<sup>a</sup> A child under the age of 7 years is not capable of committing crime. (Penal Code of the State of New York, sec. 18.)

*Nature of offenses charged.*

|                                                          |       |
|----------------------------------------------------------|-------|
| Arson                                                    | 5     |
| Assault (felonious)                                      | 66    |
| Assault (misdemeanor)                                    | 149   |
| Attempted suicide                                        | 5     |
| Burglary                                                 | 399   |
| Disorderly or ungovernable children                      | 718   |
| Forgery                                                  | 6     |
| Improper guardianship                                    | 1,582 |
| Insanity                                                 | 2     |
| Larceny (felony)                                         | 300   |
| Larceny (misdemeanor)                                    | 927   |
| Rape                                                     | 3     |
| Robbery                                                  | 64    |
| Violation of compulsory education law                    | 58    |
| Violation of section 675 of the penal code (misdemeanor) | 2,848 |
| Violation of ordinances (park and corporation)           | 99    |
| Felonies not otherwise classified                        | 31    |
| Misdemeanors not otherwise classified                    | 385   |
| Total number of children arraigned                       | 7,647 |

<sup>a</sup> For further statistics in regard to the children's court of New York see under Notes from Different States in Appendix.



## HISTORY OF THE CHILDREN'S COURT, SECOND DIVISION, BOROUGH OF BROOKLYN, CITY OF NEW YORK.

By Hon. ROBERT J. WILKIN, *Justice*.

To anyone who has had experience in the criminal courts of a large city there is not much need for any argument in behalf of the establishment of a court for the exclusive trial and disposition of cases against children. Little may be said regarding the advisability of separating those of immature age from adults charged with the commission of offenses of various kinds. It has often been said that what a boy or girl does not know when first charged with disobedience to the laws they soon learn after being taken into custody. This is certainly true, for under the old system of the disposition of cases, including both adults and children, there was no adequate way provided for the separation of those who were first offenders or who were young from those who were confirmed in a criminal or degraded life. Under the new system, however, a boy, even when charged with what in the eyes of the law is a grave offense, is immediately after being arrested taken before a tribunal whose special object is to ascertain not only the legal evidence in the case against the boy, but also to obtain the facts in relation to his home surroundings, previous career, and the opportunities he has had to learn and do right or wrong. After these are all taken into consideration, the children's court is enabled then to make a disposition of the case which will most benefit the child, and consequently the public at large.

The judges who have sat in the children's courts, which have been in existence for a longer time than that in the borough of Brooklyn and the city of New York, have at length explained the workings of the courts over which they have presided, and have also given in full the reasons for the establishment of these tribunals.

The Brooklyn court has only been opened since September 9, 1903, and consequently at this date it is hard for the justice here to set forth more than what has occurred to him in so brief an interval.

Of the cases that come before the court there appear to be four distinct classes:

First, the bad boy or girl whose nature in itself seems to have been formed along the line of committing depredations of a large or small character. In this class of cases the justice presiding has very little trouble with the proper disposition. When it is once decided that a boy or girl belongs in this class there is nothing much to do but to commit them to some of the reformatory institutions, which, fortunately for the children of the borough, are ample and well conducted.

The next class is that of the troublesome child. In this we number those who commit the offenses that seem largely to come from

either a superabundance of animal nature, a lack of employment, a neglect on the part of the parent to pay much attention to their condition, or from the mischievousness of the child. These cases also are not so difficult of adjustment. They include the child who teases and annoys the smaller children of the neighborhood; who destroys the daily newspaper that may be left at the door of the house in the neighborhood, just for the sake of the mischievous act; who uses the bean shooter, destroying property and endangering health—in other words, doing petty, annoying acts which make them a nuisance in the community. The treatment in such cases is a warning to the child or to his parents, possibly a light fine, or probation.

The third class is the destitute, or, under the laws of the State of New York, the child who is without proper guardianship in violation of section 291 of the Penal Code. This class of cases is also one that does not trouble the mind of the justice in disposing of it, as they are mostly real cases of destitution, and unless a relative can be found, or someone who will be responsible for their care, there is no disposition that can be made of them but commission to some of the institutions for the care of such children.

The fourth class, however, is one that uses up the gray matter of him who sits on the bench. This we might call the "unwelcome" child, and is usually one whose parent has tired of its care and is desirous of being relieved thereof by the intervention of the public authorities. A boy is born into a family whose father or mother dies shortly after his birth, and the remaining parent may again marry; then a new set of children are brought into being and through lack of interest the boy is not as well cared for as the rest of the children. While the others have the loving interest of their own father and mother, our unfortunate boy is neglected and drifts into the errors natural to youth and soon comes to the attention of the authorities. He may not be a boy of any bad proclivities. The court may not be able to find, even by careful investigation, that he has committed any willful wrong. At the same time the animus of the parent or step-parent is wholly to get rid of the unwelcome burden, and the result is that there is no place for this boy but some reformatory or other institution. Therefore, through no fault of his own and largely because of these unfortunate conditions, this boy must be branded as a disorderly or ungovernable child, when in reality such is not the case. So we have the difficulty on the part of the court of knowing what steps should be taken to protect this child and to care for him in view of this condition.

A girl, 13 or 14 years of age, reared under similar conditions, is not criminally neglected by her stepmother or the one who has the maternal headship of her home, but is simply neglected. She goes to the streets, visits friends, has no warm reception when she returns, and it is the most natural thing in the world for her to visit and stay in places



which are most pleasant appearing to her. It frequently happens that just such places are the worst possible surroundings for this girl, and before long she is picked up, charged with abandoning her home, with a quasi criminal stamp upon her. She can not return to her home, because the stepparent will not have her there. She has possibly no relative who will stand in loco parentis to her, and what is left to the court to do but to commit her to an institution? When this happens, even though a due appreciation is given to the kindness and benevolence upon which these institutions are formed, with a full knowledge of the loving kindness and tenderness frequently exhibited by those having charge of the management, at the same time no institution where a number of girls are gathered together can give our girl the home surroundings, the tender nurture, the motherly advice, and the kindness that every girl should have in her own home.

So it is that problems come before the children's court, and the mere recital of them in the rough, as is done here, shows the serious character of their nature and the importance to the community of their proper disposition. The general criminal court has no time to consider these matters, and therefore it is, indeed, a good thing that the children's court is established, to give proper treatment to just such conditions.

The children's court in Brooklyn, in two months, has had something like 400 cases, which promises a large number of children who will need its attention during the coming year, and as each year goes by I predict that more and more will the wisdom of its establishment be recognized.



## COLORADO.

### THE JUVENILE COURT OF DENVER.

By Hon. BEN. B. LINDSEY.

#### THE REFORMATION OF JUVENILE DELINQUENTS THROUGH THE JUVENILE COURT.

Any work to prevent an individual committing crime is a more important work than the punishment of an individual who has committed crime. Misdirected and sometimes maudlin sympathy must not be associated with intelligent, earnest effort to prevent crime. Every actual vicious criminal guilty of a repeated offense had better be locked up for life, as the best thing for him and for society. I grant that punishment of those who commit crime is intended as a preventive measure. Wisely administered it is a justifiable method until we can find something better. Yet the history of criminology will show that punishment of individuals is not a successful method of preventing crime. If it were, there ought to be fewer people in jail every year. On the contrary, crime is on the increase. Each year adds to the inmates of nearly every reformatory in this country. There is no justification for the punishment of a human being unless it is necessary to help him, or (what is more important than to the individual) unless it is necessary to protect society; that is, to best secure to all individuals security of life, property, and the pursuit of happiness. Any other view would be to admit the doctrine of vengeance as just, wise, and humane. What we seek is justice, administered with wisdom, humanity, and charity. It is a sad and at the same time important thing that the increase in crime is largely among the youth of this nation. Facts and figures in this respect come almost like blows to remind us of our responsibility and to suggest our shortsightedness.

It is said that over half the inmates of reformatories, jails, and prisons in this country are under 25 years of age. Some authorities say under 23. We now know that the seeds of criminality in the great majority of cases are planted in youth. The English prison commission recently reported to Parliament that the age of 16 to 20 was essentially the criminal age, and between 10 and 16 the most important age for the care and formation of character. The Earl of Shaftsbury, after much study, declared that not 2 in any 100 criminals in Lon-

don had formed the habits which led to criminality after the twentieth year. The age between 10 and 16 is also the religious age. It is that age when the good, the true, and the beautiful are most effective upon life and leave the most lasting impression.

There are from three to five times as many children, in proportion to population by ages, arrested every year in the cities of this country as adults. Seventeen thousand under 16, it is said, were arrested in Chicago the year before the juvenile court law went into effect. A similar condition may be found in nearly every large city. These children are all subjected more or less to the contaminating influence of the jails and the criminal courts.

Atlanta is much better off in this respect than some cities I know. Yet recently I visited its jails. The annual report of the chief of police shows 16,434 arrests for 1902. One thousand one hundred and fifty-five of these were children 15 years of age or under; 2,808 between 15 and 20 years of age—a total of nearly 4,000 under 20 years of age. Nearly 25 per cent of the total arrests were boys and girls, generally about 20 boys to 1 girl. Of course the Negro element adds to the difficulties of the problem in the South, and the great majority of such arrests are of that race. It is an illustration of the fact that the handling of this problem may depend to a large extent on local conditions. What might be done successfully in one city might be impracticable in another. Leaving out duplicates and taking individual cases of children arrested for a period of say six years, between the tenth and sixteenth year, you will find in most cities probably that one out of every five mothers' sons land behind the bars in this important period. This was true in Denver, and Denver is better off in this respect than many other cities. The period of incarceration may have been only two hours or two months. The important point is that the children were in jail or arrested for some offense which landed them there. Therefore the majority of law-breakers in cities, in proportion to ages and according to arrests, are among the young. This is no reflection on the children. It is a reflection on the parents, the government, and the people, if it is a reflection on anybody.

These children do not know how to obey. We want to teach them how and why. They must learn to respect the law, to respect authority, to respect the rights of others, for their own good and happiness as well as that of others. This is the first step in reform. If the home in which this duty rests can not do it, the state must; and in performing this function, a purely parental one, it must frequently deal with the home, the parent, and the child. The state must handle the problem as a wise parent should. It never has and never can do this through jails, prisons, and criminal courts as such. These things may be all right for adults. They are monstrous for children. Their method of dealing with children in the past is a sad commentary on



the injunction of our Divine Master, who said of anyone who would harm one of these little ones that "it were better that a millstone be hanged about his neck and he be cast into the sea." The harm the state has wrought upon the youth of this land by its bungling methods in attempting to reform a child waywardly disposed will some day form one of the blackest pages in the history of our criminal jurisprudence. But I predict that we are on the eve of a great awakening, when the dark blot will be obliterated in the refulgence and radiance of new methods founded in the love and teachings of our Divine Master and the tenderness of a mother for an erring child.

A number of systems are combining to bring about this change. No one will accomplish it alone. All will not accomplish it entirely. Each has its place in the great work of reform. The industrial school is doing splendid work. It is no longer looked upon as a reform school. It no longer has about it the odor of degradation. The time is almost here when a boy from an industrial school, as those institutions are now being conducted, may hold as honorable a place in the community and be as proud of his record at that school as his more fortunate brother from the university. Certainly this is as it should be.

I am going to speak particularly of the juvenile court and what it can be made as a means of correction at home—this side the institution. There should be no hesitation to send a boy or girl to an institution when it is a proper case. I rather fear the danger of not sending them there when I ought. These schools are doing work as important to the State as your universities. It is not appreciated and little understood by the general public. Their superintendents deserve to rank for character and ability with the presidents of universities. They should be the best material among men that the State can secure. They have a responsibility and a duty to the State that certainly equals, and in my judgment exceeds, that of any other educator.

Yet with any kind of a decent home the place for a boy or girl is within that home. We all agree to this. The juvenile court and probation system will keep him there if it is proper and possible. It is proper unless the home and environments are of a character positively dangerous to the welfare of the child or unless it has demonstrated its inability to correct it when evilly disposed. It is possible in most cases where it was hopeless before.

#### FEATURES OF THE LAW.

I do not know how to explain what may be done with the juvenile court and its offices better than to tell what has been done in the court over which I have the honor to preside and to refer to some of the principles underlying the methods pursued.

Its purpose is of course to prevent crime before crime is actually committed; to correct, to aid, and assist those who might be criminals, or who might do a criminal act, to avoid falling into either mis-



fortune. It deals only with children and those responsible for the faults of children. It realizes that we can not have good men and women unless we start with good children. Because of infancy both the constitution and laws of the State and public sentiment will justify methods of dealing with children which would not be tolerated in dealing with adults. It believes in what statistics show, that the inception of crime is in the waywardness of misdirected children. It would take care of these children in adolescence, when character is plastic and can be molded as clay in the potter's hands. It would help to form character and not postpone the evil day in a bungling attempt to reform it. | All of this is easily said. It is not so easily done. It can be done. It is being done in some cities. It is a strenuous life. It requires men and women of intelligence, tact, skill, and enthusiasm. It is not so much the law as the work. It is not so much the statute as those who administer it. But I do not want to underestimate the importance of the law. Without it we would be fearfully handicapped; and yet without any statutory law, but invoking the principles of the chancery courts for hundreds of years in dealing with the welfare of the children of the State, and with intelligent, earnest effort much can be accomplished in any city in this land to relieve some of the distressing conditions imposed by the criminal law.

The original law under which the juvenile court of Denver was established was enacted in the winter of 1899. The statute was very brief, and provided, in substance, that any child under 16, incorrigible or guilty of immoral conduct, could be proceeded against in the county court as a juvenile disorderly person. The county court is the probate court, and has a certain limited jurisdiction in all civil cases. It is in no sense, however, a criminal court. Systematic effort was not made to try all children's cases in this court until nearly two years later, when, in January, 1901, a probation system was established. During the winter of 1903 the legislature enacted a more elaborate juvenile-court law. The new law has made practically no change in the working of our system, except to give us much needed relief in the way of paid assistants. A house of detention is provided for. The jail for children under 14 is abolished. | To reform a child by starting with putting it in jail is like trying to cure it of illness by first depositing it upon the city garbage dump. An experienced jail official once declared that city jails for children were toboggan slides straight into hell. The juvenile court in Denver has fought the jail system for two years, and succeeded in abolishing it entirely for children as formerly conducted. The detention house will be conducted by a superintendent and matron, who shall be man and wife and competent to keep all the branches of the grammar school. When a child is arrested the juvenile court may order its incarceration in the detention house. It must be kept at its desk during the day, just as in the schoolroom,



at some useful employment. At night the superintendent must sleep in the same dormitory with the boys, and the matron with the girls. It is only in this way that the hideous vices learned by children in jails and the contaminating influences to which they are subjected can be eliminated. We can not be too careful in dealing with a child needing correction, and the old methods of subjecting it to the brutalizing effects of jail incarcerations will soon be, in my opinion, a relic of the past, classed among other relics of barbarism. We have had very little trouble in obtaining attendance at court by children and parents of children, who formerly were subjected to incarceration, by merely notifying them of the time and place when their presence was required.

The most important addition to our juvenile law is an act declaring that all parents, guardians, or other persons by any act or in any manner causing, encouraging, or contributing to the delinquency of any child, as defined by the statutes of the State, shall be guilty of a misdemeanor, and punished by a fine not to exceed \$1,000 or imprisonment not to exceed one year, or both. Our former act only permitted the punishment of parents by a fine or imprisonment while they were responsible for the habitual truancy of their children. The present act makes not only parents but all other persons responsible either for the truancy or delinquency of the child. The result is we are holding parents to a rigid accountability for the faults of their children. Out of over 100 parents brought into our juvenile court last year for the truancy of their children less than 5 per cent of such children failed to become regular school attendants. The parents were fined and sentence suspended while the law was complied with.

To illustrate how the law may operate to reach those who are really responsible for the faults of children I might instance a case with which you are all familiar. The law declares that any child who purchases liquor or who even enters or visits a saloon shall be deemed a delinquent child. Under our juvenile law we would not only bring in the child as a delinquent, but the father who sent the child to the saloon and the saloon keeper who gave the child the liquor would be prosecuted for contributing to the delinquency of that child. The wholesome effect of the law is already being realized. The evidence in any case against the child for delinquency can not be used in any other proceeding against the child at any time.

The most effective factor of the juvenile court of Denver has been what is known as the "report system." Something over two years ago we established a rule requiring all children found guilty of disorderly conduct to report to the court once every two weeks, with a statement from the teacher detailing the school attendance and conduct of the child. By arrangement with the schools of Denver a per-



fect understanding is had between the court and the schools as to the method of making out these reports, so that the court is enabled to tell at a glance the record of the child in school. The truancy or probation officer makes periodical visits to the neighborhood and ascertains, as far as possible, the conduct of the child in the home. In this way we are enabled to keep up with the record of the probationer. There are now an average of 250 boys reporting to the juvenile court at every session thereof on every Saturday morning at 9 o'clock. Boys who are working report Saturday evening with statements from their employers and very often with voluntary accounts of their conduct.

#### RESULTS OF THE PROBATION SYSTEM.

As a result of the probation system, during the first two years of the juvenile court 554 children, of whom 39 were girls, were found guilty of disorderly conduct and placed on probation, being required to report in the manner stated. These children had committed various offenses, which, if committed by an adult, would have been burglary, larceny, gambling, railroad depredations, forgery, and petty offenses, embracing a number of cases of truancy. There were returned to the court, during the entire period of two years, of these 554 children, for renewed offenses of such a character as to require their commitment to the industrial school, just 31 boys, and a number of these were returned because of the hopeless lack of home surroundings or an environment to aid in their reformation. We therefore have in two years all but 5.5 per cent of 554 children found guilty of mostly serious offenses, giving unusual and unexpected satisfaction under the probation system. It is true that during this period there were committed, at the time of trial without being placed upon probation, about 40 children out of 715 brought before court for delinquency. Yet nearly all of this number were committed because of lack of home conditions and environments, which, in the opinion of the court, would justify their being submitted to the probation system. In other words, such children were both dependent and delinquent. The fact remains, however, that out of 715 children brought into the juvenile court in Denver in two years it became necessary to commit to the State Industrial School only a little more than 10 per cent. We consider this a very gratifying record over the method of dealing with children in the criminal court of Denver in former years, when at least 75 per cent of the children tried were committed to institutions. The saving in expense in proportion to the number of trials and commitments made has exceeded \$100,000. This is demonstrated in detail in the first report of the court. The governor of the State in his recent inaugural address declared that in eighteen months the juvenile court of Denver had saved the State and county \$88,000.



## VOLUNTARY DELINQUENTS.

As a result of the methods of assistance, encouragement, and help, with such firmness as is necessary to enforce proper discipline, over 150 boys have come voluntarily into the juvenile court during the past two years. These boys are what we term "voluntary delinquents." They have been brought to the court principally by other boys who have been proceeded against in court. Many of them have come voluntarily to myself and stated that they desired to be placed upon the probation list because of some bad habits to which they had become addicted and wanted to be assisted to employment, and expressed a desire to correct their evil tendencies. It may be said, however, that the effect of requiring some 200 boys to appear in court once every two weeks gives the court opportunities not otherwise, as a rule, acquired. Once each month we have what is known as a Saturday morning talk, in which some subject or topic of an appropriate character is taken up and discussed. Again, it is my custom very frequently to take boys into my chambers, and through confidential and companionable talks (being very much of a boy myself, understanding and appreciating their troubles and difficulties) get into their lives, find out who their companions are, with the result very frequently that a number of boys, not brought into court at all, are either implicated in their troubles or committing like offenses.

The result of this system has been to encourage boys to assist the court not only in helping them, but in helping other boys who are disposed to evil ways. Let me illustrate the idea with a few cases in point: One evening five boys came to my chambers at the courthouse to see me. I had never seen but one of the boys before. This particular boy was what we might class as a "street boy," in fact, originally a very difficult and dangerous case. He said to me, "Judge, I told dese kids that they was sure to get caught by the cop for swipin' wheels, and we's been talkin' it over, and just concluded that the best thing to do was to come up here and snitch up. I told de kids dey would git a square deal." I soon became acquainted with these boys, although I was amused at first to notice the apparent fear or trepidation, mixed with doubt and misgivings, upon the countenances of the four new ones. They were not yet satisfied that the assurances of their friend were as safe as represented. We were not long in becoming fast friends, however, and those boys, in a free and easy fashion, gave me the history of their pilferings, which disclosed that I had upon my hands a very serious case. The result was a free, easy, and friendly talk which did not involve either preaching, cross words, or threats. I just talked with those boys as though I was one of them, a companion and a friend in trouble, and advising the best way out, and the best way to keep out for all time. Four of those



boys to this day are voluntary probationers. They have never even been charged or tried for any offense, although they had thirteen stolen bicycles to their credit, or rather discredit. I personally investigated at the police station, and found complaints that fitted exactly the number they had admitted. The wheels had been changed and shifted around, and either sold or destroyed.

I remember telling this incident to a police officer, a good man at heart, and he did not exactly agree with me in my method of treating this case. He thought the boys should have been arrested, and an effort made to return the wheels. This was very impracticable under the circumstances. I told him that I thought more of the boys than I did of the wheels; that I believed there was even a greater duty to save those boys than to save the bicycles, notwithstanding I respected the rights of the owners. I haven't a particle of doubt that the result of that incident was to save many citizens' property which would otherwise have been stolen. I have no doubt that but for that incident the police would never in any event have recovered a particle of that property. I therefore justify my treatment of that case. I have been entirely satisfied with the result. For over a year these boys have been reporting to me on an average once every two weeks. It is true I have had occasion to assist some of them to different positions of employment. Yet, during that time I am sure their lives have been entirely free from thefts or other serious improprieties. Had any of these boys shown a disposition to return to their former bad habits, it was thoroughly understood between us that I retained the privilege to have them charged with the offense they had voluntarily confessed.

Oscar C. had been repeatedly arrested by the police before he was ever brought to a juvenile court. He was regarded as a hopeless case, having also served a term at the industrial school. We obtained a position for Oscar, which he promptly lost because of incompetency; but we did not lose him. He was braced up and put to work at another place with much encouragement and urging. He managed to stick satisfactorily, and we were rewarded months later with the highest commendation by his employer. One night Oscar came to see me, apparently to show off his new clothes, the result of his month's wages, and to please me as well as himself, with a good report. He had with him another boy. Of course he was welcomed and inquired about in the most friendly way. I soon learned that Harvey was an old chum of Oscar's. "Judge," said Harvey, "will you help me get a job at the cement works?" Of course I volunteered any assistance in my power, and I suggested, "Harvey, we are just as ready to help a boy here who has not been in trouble as we are one who has been." "Oh," said he, "I might as well be honest. The only difference between Oscar and me is that Oscar got caught and I didn't." The boy disclosed to me that he had committed a number of thefts, and had been deterred



on one occasion by a remark from Oscar that he "wasn't going to steal any more, because it wouldn't be square with the judge." Of course Harvey is on the volunteer delinquent list.

The great number of voluntary delinquents have not committed any serious offense. The boys are encouraged not only to obey the law, but impressed with the idea that the friendship, aid, and assistance of the court and its officers demand in return only loyalty, friendship, and assistance to the court. If we are to have this it means that they must obey the law and bring good reports from their teachers, parents, and employers.

While the probation system is not without its failures the results by this method of treatment are gratifying and satisfactory, even beyond expectation. We endeavor to interest everyone of these boys in the methods of the juvenile court, its object, its purpose, and impress upon them that the success of such methods depends upon their cordial, earnest, and sincere cooperation.

Recently a complaint was made against a boy in the juvenile court in which he was charged with a rather serious offense. I was satisfied after an investigation that the accusation was unjust; but, as is often the case, the result of a suspicion aroused by the fact merely that the boy had been before the court, and finding no one else upon whom guilt could be fastened, it was natural that he should be suspected. I immediately sent for this boy, and he satisfied me at once that he was entirely innocent of the charge. The little fellow said to me rather tearfully, "Well, Judge, I am awful glad they didn't go and arrest me, because then the cops would have had a laugh on us, and said, 'This juvenile court business is all nonsense, because here is that "blanked" kid who the judge let off, gone and swiped something again,' and then, Judge," said he, "they would have thought they had the best of us, wouldn't they?" Now, when this boy was in jail, a policeman who believed rather in jail sentences than encouragement and assistance of the proper kind and with the proper firmness, had told the boy that this juvenile court the judge was running up there was all "blanked" nonsense. That boy had lied time and again to the policeman. He had lied under all kinds of threats, revilings, and cursings, according to his own story, while incarcerated in jail and charged by the officers with a number of offenses, some of which he had committed, but which he entirely forgot in his rebellion at those charges made against him and insisted upon by the police, but of which, as a matter of fact, he was entirely innocent.

#### LOYALTY TO THE COURT.

Recently in Denver certain prominent merchants were greatly annoyed by the profanity of boys who congregated in a certain alley of an evening newspaper. Much complaint was also made about the petty gambling and other offenses of these boys, most of them news-



boys. A number of individual boys charged with such offenses have been brought into the juvenile court. In every case they have reformed their habits to the entire satisfaction of the officers of the court. A friend of mine told me that he had overheard one of these street boys deliver himself of the following to a new boy in court: "Now, look-a-here, John, if you knows what is good fur you, you'll stay by de judge. He's square, he is, wid de kids, and de kids has got to be square wid him, and de first kid dat goes back on him is going to git smashed—see?" This boy was one of the number reporting to the juvenile court, who came to me voluntarily recently and delivered himself of the following advice: "Now, Judge, dere ain't no use tryin' to git dem cops to stop dese kids shootin' craps, swipin' tings, and raisin' h——. De cops can't do it. De kids is too sharp for 'em. De only way you can ever git it stopped is to git the gang up here and tell the push you want it done, and dere ain't a kid among 'em, in my opinion, dat won't go down de line wid you. Anyway, de'll do more to make de kids stop dere swearin' and shootin' craps and swipin' fruit dan all de cops in town." I call that loyalty to the court. I call it cooperation. We haven't organized the anticrap society yet, but the boys on the street are anxiously looking forward to it, and a number of boys have come to my chambers to tell me, "not to bodder wid de cops, that de kids is gitting ready to stop crap shootin', if you want it done." It is as natural for street boys to gamble as it is for them to eat, and I am not entirely sanguine of the success of the anticrap society; yet, I am sure that my counselor is entirely right, "that de kids can do more to stop crap shootin' than all de cops on de force."

I have had many boys tell me not to worry about them getting me into trouble. This sentiment is the result of frequent semiconfidential, companionable talks with boys, generally in my chambers around my table. They are thoroughly alive to the fact that if I keep them out of the industrial school because of their promises it is necessary that they must be square with me or the whole juvenile-court business is liable to go to smash, for, as I have often said, "Now, fellows, look here, if I keep you all out of Golden (this is the town where the industrial school is located) and you go and swipe something again, why, what will folks say? Why, they will just say, 'That fool judge up there ought to have sent that kid up. If he had, he wouldn't have swiped anything and made other people a lot of trouble.'" Now, it is my custom to say, "Kids, we are all in the same boat, and if anybody swipes anything again I am going to get fits, and the first thing you know you will be getting a new judge up here that will hike you all up." (A little boys' slang, judiciously and wisely used at the psychological moment, has a powerful effect, and does more to reach the boy heart than you can well imagine. I do not believe, if used with discretion, it has a bad effect.) The response from boys often is, "Now, Judge, I will tell you. I am going to stay with you; all I



want you to do is to give me a fair show, and if I don't stay with you, then, I think you ought to send me up." As a result of this practice nearly every probationer committed imposes his own sentence, and some have gone to the industrial school alone and unattended.

The policeman is the boys' natural enemy. An amusing feature about our work in the juvenile court is that the boys, especially what might be termed the street boys, have a notion that the police are opposed to the juvenile court and are in favor of putting all the kids in jail. They also think that the police department has a joke on the court every time a boy on probation is caught for a new offense. The result is they have a particular pride in fooling the police and in staying with the court.

I like to tell the story about little Harry, who, because of the fact he was probably one of the worst specimens I ever had to deal with, illustrates the point better than possibly a great many other cases of a similar character treated in the same way. I had sentenced Harry to the industrial school at the solicitation of the police officials, the principal of the school, and his own mother, who I knew was heart-broken and despaired of his redemption. He had been termed by the police a "smooth little thief." I suppose, from the harsher standard of the criminal law, he fully deserved the appellation.

Something about the boy rather appealed to me, however, and, as I have often done, I went to the jail myself after I had started him on the road to what is commonly termed the "reform school," and had the officer put me in the cell with the boy. I sat down by his side and told him that now we were both in jail, and if I let him go and he ever stole again I should certainly feel that I ought to be put back in the same cell with him. "For," said I, "if you go to the industrial school, as you have started, you will certainly not have a chance to steal, and perhaps you will become a good boy. But if I let you go, and you steal again, then I am responsible even more than you. Now, Harry," said I, "if I protect you, are you going to protect me? Don't you know that I couldn't hold my job very long if I permitted thieves to run loose on the community?" Harry saw the point at once. With tears in his eyes this 13-year-old boy stood up like a man and said, so sincerely and earnestly for a boy of his age, that he would never get me into any trouble, that I, almost tearfully, accepted his protection. I rang for the jailer, and through the clatter of the iron gates, the bolts and bars, walked out of that jail with that boy and took him to his mother. He went to school regularly. He sold his papers in the afternoon, and would frequently come to me during the week, with a face full of gladness, to tell me how well he was doing and how ably he was protecting me. He was also fully aware of the protection I was affording him in keeping him out of the industrial school, which to that boy was as much of a horror as the penitentiary is to a man. He was equally aware of the importance to his own wel-



fare and future that he should not steal again, that he should obey the school law and avoid playing "hookey" as he would the plague.

For over a year little Harry brought excellent reports every two weeks. Recently he moved to a distant city in the West, with nearly two years added to his experience since the time we sat in the cell together, and only last week I received from both his mother and him letters full of love and gratitude for what we had accomplished for that boy. Some time after he had returned to school his mother came to me and said, "Judge, I never quite understood why my boy is such a splendid little fellow. You know he used to steal and lie, and it was impossible for me to keep him in school. I said to him the other day, 'Harry, how is it you were so good for the judge and you wouldn't be good for me?' He looked up into my face and said, smilingly, 'Well, Ma, you see it's this way: If I gits bad agin, the judge, he will lose his job, and you see he is my friend, and I've got to stay with him because he stays with me, and I ain't going to steal no more.'" It is fairly certain that this boy would have been a criminal and, no doubt, some day an inmate of a penitentiary, a disgrace to himself, and a sorrow to a broken-hearted mother. How many Harrys are there in the penitentiary to-day who, if taken at the inception of criminality in childhood or youth, might have been citizens honored and respected and a credit to the State? Yet how often we defer this important work until character has become as hard as adamant, incapable of impression.

#### CHARACTER OF PROBATION OFFICERS.

Of course a juvenile-court system, while under any average circumstance, is bound to be a step in advance of the old methods of the criminal law in dealing with children, yet its permanent and more complete success depends upon the individuals to whom its execution is intrusted. We have heard a great deal about probation officers. Upon the character, tact, skill, and intelligence of the judge and his assistants—the probation officers—largely depends the success of the court. Without personal touch, influence, patience, encouragement of the child, and attempt to arouse all the nobler and better impulses, and to subdue and suppress the discords of the soul, complete success is not likely to be attained. The law itself is of small importance compared to these elements. There is no higher or more important position of a public character in the community than that of a probation officer, unless it be the judge of the juvenile court. Perhaps this might illy come from one occupying that position, yet I have no apology to make for the statement. I am sure the statement can be appreciated by few more than by one who has occupied so important a position. As this work progresses and its wonderful results are constantly observed, the force of the statement impresses itself more and more upon the mind of the judge of the juvenile court. His position



in the community, while somewhat new and unique, is nevertheless one of tremendous importance. Judge Tuthill, of Chicago, a distinguished pioneer among the judges of juvenile courts, after I believe an experience of over twenty years upon the bench in Cook County, has repeatedly declared that he considered his work as judge of the juvenile court of Cook County the most important work he had ever performed. He assures us it is the most beneficial service to the community he has ever been able to render. I have no doubt that in importance to the community, not only for the present but for future generations, it does exceed that of all his long, honorable, and noble service upon the bench. One of his distinguished associates has also declared that the work of the juvenile court has done more in the brief period of its existence to prevent crime than all the criminal courts of Chicago have done in twenty years.

Let me illustrate this: Recently a young man of 22 held up a saloon in the city of Denver, and deliberately shot down the policeman who attempted to arrest him. That young man's wife came to me, with tears in her eyes, regarding that case. I know something about the history of that boy. Seven years ago he was in the police court of the city of Denver. There was no juvenile court, no probation system. I have very little doubt that that young man was just such a boy as little Harry, whom I have described, full of boyish energy, misdirected and misguided into evil channels, and had he only been brought into a juvenile court, under the care and loving guidance of probation officers, that robbery would never have been committed, that policeman would never have been shot down, there would have been fewer widows and fewer orphans, and the State would not have been called upon to contribute several hundred dollars annually to support that man for the next twenty years in the penitentiary.

The boys of to-day are the men of to-morrow. Why should we not deal gently and kindly with them? The young man whom I have just mentioned was in youth given the name of "Garfield," in honor of the martyred President who had just then expired by the assassin's bullet, and it was this same martyred Garfield who said, "I have more respect for boys than I have for men, because we generally know what a man is, but only God knows what a boy may be."

#### THE OLD METHOD AND THE NEW.

Let me illustrate again the difference between the old method and the new of reforming our juvenile delinquents. Harry H. six years ago was a little boy of 11, full of devilment and mischief that represented a little spirit that had within it possibilities for good or evil. A thousand things in that boy's life over which he had no control may have been responsible for the direction or misdirection of that spirit. One of these things was a natural desire to make a kite. He must have the kite sticks and a knife wherewith to cut the sticks. Child-



like, he asked a very ignorant and half-brutal father for the knife. He was met with a curse and a blow. He was told to get the knife the best way he could. To his childish mind his father was the sum and substance of authority. He saw the barbers in the shop using sharp knives. One night he entered that shop and took therefrom a razor with which to cut things. There was a breaking, an entering, and a taking. In the eyes of the law he was a burglar. In my eyes and in yours he was a misdirected, misguided child, no more a burglar than you or I. Yet the harsh machinery of the criminal law took that child into the criminal court, and under a charge of common burglary he was sentenced to jail and served his time. Then followed a career of similar offenses, gradually drifting to a more serious character. He was hunted by the police, arrested, sent to the industrial school, returned to his former occupation of stealing; then hunted like a dog by police and detectives, lain in wait for in the night, and finally shot at like a wild animal in the mad efforts of the police to catch a desperate burglar of the age of 16. He was then brought to the juvenile court, a wrecked, distorted image. Now, I ask you who is responsible for this creature, bright and alert as a thief, already well progressed in the hardening process of soul and conscience? I say, the State. I say, almost anyone except that child. I once asked this boy, after he had been months on probation in the juvenile court, how long it took to try him the first time. "Oh," said he, "the guy with the whiskers what sat up on the high bench looked over to the cop, and the cop says to him, 'This is a very bad kid; he went into Smith's barber shop and took two razors, and he admits it, yer honor;' and what does the guy do but hikes me right off to Golden before I had a chance to say a word."

Was that fair? Was that justice? Will the State ever make good citizens out of evil-disposed children by any such methods? Isn't a boy worth saving? Is citizenship worth anything? I ask you if more care and consideration are not given live stock than children unfortunately situated? Is there any work that can more justly engage our attention than the saving of these boys and girls? And the girls are more important than the boys. Suppose that boy, instead of being before the court, had fallen from the river bank, and the same officers of the law had observed the fall. Would there not have been an opportunity for heroism, and is there even one who was instrumental in his incarceration who would not have been ready to perform the act of a hero to save the life of the child? What is life worth if soul and spirit are to be warped and stunted and neglected in childhood, when it is plastic, when it is capable of being played upon as the strings of a harp, when the skilled artist can elicit therefrom either harmony or discord? It has been said that the art of handling marble is nothing compared to the art of handling men, and skill in evoking



melody from the harp is less than nothing compared to skill in allaying discords in the soul and calling out its noblest impulses, its most energetic forces. The business of life is the mastery of the art of living smoothly and justly with one's fellows and the acquisition of skill in calling out the best qualities of those about us. Now, this boy is only one of thousands. He is one of hundreds in my own experience.

Do you know what that boy cost the State of Colorado? Do you know what a similar boy cost the State of Georgia? I can tell you in the first case to one cent. I went to the police records and the records of the criminal court, and I figured up in court costs, jury fees, jailor's fees, mileage, attorneys for the defense for poor person, keep in jail and at the industrial school the total sum of \$1,036.76. I figured up a similar case, which I believe amounted to \$839. Do you know what it has cost the people of the State of Colorado to not only make a good boy of the \$800 specimen, but to place him in the Navy of the United States as a promising youth and a useful citizen? It has cost just \$11.99. The same sum has been expended for this thousand-dollar distortion up to the present time, after nine months on probation, with an entirely satisfactory record, excepting possibly one offense of no serious consequence, considering the case. But, my friends, it takes patience.

#### NEED OF PATIENCE.

I once heard Graham Taylor, of Chicago, tell a story of patience. It was the case of a young man whom he had sought to save, and he did not propose to lose him. You remember the injunction of the Divine Master:

"How think ye? If a man have an hundred sheep, and one of them be gone astray, doth he not leave the ninety and nine, and goeth into the mountains, and seeketh that which is gone astray?"

"And if so be that he find it, verily I say unto you, he rejoiceth more of that sheep than of the ninety and nine which went not astray."

The young man whom Graham Taylor tried to save had fallen twenty times, but he had reached out the helping hand, had thrown out the life line time after time, until he at last got him firmly and solidly planted, as it were, on the rock of virtue and truth, from which he never slipped again. Robert, one of my own boys, was denounced by an officer. He was recommended for commitment. I secured Robert employment. In three days he had a fuss with the foreman and "flew out." We got him back, secured permission for him to return to work. In three weeks another row, and out he went. The police laughed. But Robert was recovered. Another stiffening, earnest talk, encouraging words, impressing him with the idea that he was a good boy, had good stuff in him, and that he would bring it out, until Robert believed it himself. He has been believing in himself now for more than eighteen months, for he still holds that same job, and has held it with-



out a break for this period, and has the reputation of being one of the best boys who ever worked for a man who has had twenty years' experience in juvenile labor. But, my friends, it took patience.

#### FLEXIBILITY IN METHOD.

Sometimes there seems to be and is a limit to such patience, and sometimes there are failures. But the failures are indeed comparatively few. The point is that there would be infinitely more failures under the old system. No system is perfect. No man is perfect. Perfection is not in this world. We must follow that method from whence come the best results. Don't try to handle all boys alike, because, while boys in the embryo and originally may be all alike, they are entirely different creatures, depending upon training, home, and environment. Let me illustrate: Two boys were about to run away. It is against the rule of the juvenile court for probationers to leave the city without the consultation of the court. They were from different parts of the city and happened to be reported about the same time. One of these boys lived in the best neighborhood in the city, the product of a good average home. He knew what it was to obey. He knew what it was to respect authority. He had never been illy treated. I sent for him and told him, firmly but kindly, he must not run away. He knew well enough what the consequences would be. He obeyed.

I sent for the other boy and I said: "Henry, I understand you are going on the bum?" He admitted it. Now, this boy had the "moving-about fever." He had been an habitual bum for three years before he came into the juvenile court. He had been kicked and cuffed about in his home. He had no respect for parents, no respect for authority. He had never learned what it was to obey. He was an outlaw. I said: "My boy, I think you are making a great mistake to go away, but I just want to tell you that whenever you get ready to go I want you to come and tell me, because I want you to write to me while you are away. If you get into any trouble perhaps I can help you out. I want to ask you to promise me that you will not steal, and, while it is wrong to beg, it is worse to steal, and you can do the lesser evil if you are driven to desperate straits." Thus I continued in a free and easy, kindly talk with that boy. I took him with me to dinner, shook hands with him, and wished him good-by, as though I hadn't a particle of objection to his going, but the deepest concern for his welfare on his journey. The last time that boy had been on the bum he had traveled 5,000 miles and been away for six months, living by thefts of a serious character. He had free transportation all over this country. He could go to Chicago on schedule time, and he could tell you which road was easy and which was not. I shook hands with Henry on Saturday evening. On Monday morning he came to my chambers with

the information that he had decided, after thinking it over, that he would hold on to the job we had secured for him, and he didn't think he would ever go on a bum again. Of course I won. I might have lost by this method. I was sure to lose had I pursued the method in the first case.

I will not stop to expatiate upon the lessons to be learned from these two cases. One question: Had any living man a right to handle those two cases, under such circumstances, involving possibly the whole career of at least one of those children, without knowing what he was doing? Could any living man have known what he was doing unless he knew those boys? Could he have known those boys unless he knew their homes, their surroundings, their environment, their past, in fact, their inmost secret lives? I know that off and on the course of the first three months that the more difficult boy referred to was in juvenile court. I spent over twenty solid hours getting acquainted with him. Isn't it worth while? Could I render a better service to the State? I believe we have nipped a criminal in the bud. I believe we have saved to the State of Colorado a good citizen.

#### MAURICE AND HIS INJUNCTION.

Once, in the midst of an important lawsuit, little Maurice, who had been considered rather a hopeless rascal, poked his head in the court room and was promptly "shooed" out by the bailiff. We were in the midst of an important trial, involving the construction of a law upon which depended the disposition of a million dollars' worth of property. I told the bailiff to let that boy come in, he was one of my friends. He came up to the bench while I suspended the trial for three minutes. I said: "Maurice, what can I do for you?" He said: "Well, judge, it's dis way: I's been a sellin' papers down by the Mining Exchange corner for a year and I's always hopped on the cars when I feeled like it, and now dey's got a new guy down there for a cop; he's one of dese fly bulls dat tink he owns de town and won't let me git on de cars, and I's been losing 50 cents a day for a week." "Well," I said, "Maurice, what can I do about it?" He read the papers as well as sold them, and he promptly replied: "Well, what I want you to do is to give me one of these here injunctions against this cop." Maurice got the injunction in the shape of a kindly note to the policeman, stating that he was a ward of the court, and it was our special desire that he be allowed to "hop" the cars all he pleased. The next report day Maurice came up beaming. "Well," said I, "Maurice, how did the injunction work?" "Oh, it worked fine," he replied, "he liked to dropped dead when he read it. He's trying to be my friend now. He tink I've got a pull with de court." Maurice to-day, after two years, is a splendid boy.



## MICKY AND HIS FRIENDS.

Boys have feelings. They like to have friends. There isn't much use to try to arouse pride unless there be some one whom they want to please, and in pleasing will in turn be pleased. If they have no friends, the first thing to do is to supply the friend, and the pride, in most cases, will come out. If they have the wrong kind of friends, it is a good thing to quietly supply the right kind. Take the case of Micky. Before Micky got in the juvenile court one of the Denver papers had published his picture with a graphic account under the double-leaded headline, "The worst kid in town." Micky had feelings. He made the paper so much trouble that they finally gave him a job. One unlucky day, however, as he himself explains it, he got "canned." After he was placed on probation, he was arrested on a false suspicion, as he stated to me, "simply because the bull had to pinch somebody, and he pinched me because he had been reading the Post" (the offending newspaper). The result was a second article entitled "The misfortunes of Micky," in which it was announced that he had been sent to the reform school. Micky was simply the victim of a newspaper exaggeration, as other distinguished people have been before. He came to me in a great state of perturbation the next day, with the offending paper in his hand. He said, "Judge, just look at dat." I read rather surprisedly that I had committed Micky to the Industrial School. "Well," I said, "Charlie, this is very distressing." "Yes," he said, "I knowed it was a lie when I seed it, but," he said, the tears welling in his eyes, "dat aint de worst of it." "Why," I said, "there is nothing that can be worse than such a statement?" "Oh, yes, dere is," he said. Said I: "What can it possibly be?" Breaking down, crying, he whimpered out: "Deys done gone and put it on the sporting page, and all my friends will see it." Now, Micky's friends were among the sporting fraternity. If there was a prize fight on, before Micky got in the juvenile court—and the police would have you believe even after—Micky was there if he had to go in through the roof. He is now a special probation officer in the juvenile court, and very proud of his job. He can "keep tab" on more bad kids than the entire police force. He says himself that he has "done reformed long ago," and I am inclined to credit his statement.

## UNDERSTANDING THE BOY.

In closing, I want to say that in my opinion the best way to reform a boy waywardly disposed is first to understand him. You have got to get inside of him and see things through his eyes, understand his motives, have sympathy and patience with his faults, just as far as you can, remembering that more can be accomplished through love than by any other method. But I would not have you misunderstand me. It has been well said that "love without justice is sentiment



and weakness." We must be just. There is no justice without love and yet we can judge in the light of both, forgetting not firmness and the right of others. We can not be just without the exercise of patience and a plentiful supply of those higher qualities of the soul which must be brought to bear if we are to call out the noblest impulses and the highest and most energetic forces of a child. The juvenile court and the probation system simply supply the machinery for doing this where heretofore such machinery was not permitted by the law. We pursued the blind, brutal, incongruous methods of recognizing a child as an irresponsible being in dealing with its dollars and cents, and denied it the right of contracting even while it was a minor, whereas when it came to offending against the law, when its moral welfare, its very soul, was involved, we denied its irresponsibility and placed it upon the same plane and in the same category with an adult; and the child who, through entirely different motives, or even granting, if you please, the same motive, would enter a grocery store for something to eat or your house for money to buy something to eat was branded by the same terms or stigmatized with the same epithets as the burglar who enters your house in the nighttime with murder in his heart and a pistol in his pocket.

One trouble is that we do not think. Victor Hugo did not suffer from this shortcoming to which we are all more or less victims. Nearly one hundred years ago a Paris newspaper contained an item (as far as the principle is involved) seen in our city newspapers almost any day—a boy had been arrested, tried, and incarcerated for stealing a loaf of bread. How many thousands of readers glanced over that item without another thought. Yet it was the suggestion to one who did think for a story of life that thrilled the heart of the world. It is all right to sympathize with Jean Valjean, and yet no code of ethics or morals will justify or ought to justify what he did.

Our revulsion at his punishment is what causes us in our profound pity and sympathy to even justify his act. It is inherently a mistake to ever justify the unlawful satisfaction of any desire. We may very properly even excuse and sympathize with an unfortunate. This is entirely different from justification. When you try to justify an unlawful act you are treading on dangerous ground, and while apparently proper in an individual case it would be sowing the seeds from which in the end we should reap the fruits of bitterness. The trouble in Jean Valjean's case was that justice was not done. It is as natural for a boy or girl to want joy and fun as it is to be hungry. It is just as important to satisfy one as the other. If either is satisfied unlawfully, the act must be corrected.

There should have been justice to the boy who stole. There should have been justice to the man who, in the sweat of his brow and by his own labor, had produced that loaf of bread. Suppose he had 40 loaves as the result of a day's work, and 40 Jean Valjeans had



appeared upon the scene. He may have had hungry children of his own to feed. The judge was no better or worse than the people or the system under which he lived and acted. The rights and duties of each were not adjusted to each other. There was neither harmony nor justice. Jean Valjean should have been corrected, but corrected with the love and tenderness of our Savior, as He would have corrected him. Would He have told Jean it was right to steal that bread? No. The Master would have said: "Thou shalt not steal." He would have forgiven him. He would have assisted him, so that he could accomplish lawfully what he had done unlawfully. That is what the juvenile court would do.

#### ADDITIONAL REPORT ON METHODS AND RESULTS.

By HON. BEN. B. LINDSEY, *Denver, Colo.*

#### INTRODUCTORY.

It would be practically impossible to show by a mere report of the text of laws and the numbers of children in court, their disposition, etc., what is meant by the juvenile court of Denver. Something of its character, meaning, history, and the purpose and spirit back of it all must necessarily be referred to. What has been done must be told just as it was done, in order to be understood and appreciated. This we have attempted in the midst of a busy civil court, and, therefore, necessarily hasty and imperfect. It will be seen that the juvenile court rightly understood is something of an effort at man building—character building. It involves constant work, constant effort, constant struggle. It is a strenuous life for those truly enlisted.

I have no apology to make for the weary after court hours and long evenings I have spent with the boys in the court, in chambers, in the jail, in the alleys, in the slums; the struggle in the legislature for laws, for more attendance officers, for public support and sympathy; the misunderstandings, the ignorance, the trials and troubles with officials to enforce laws for the protection of childhood; the fights for nearly everything we have, from the rain baths to the paid probation officers, for they have all come and come to stay. No work of mine, for several years upon the bench of an important court, has been, in my humble judgment, of half so much importance, though during that time I have had the honor to assist in the revision of all the probate laws of the State and to take part in other important legislation and litigation. Yet I positively disclaim the title of "Father of the juvenile court of Colorado," as some of my overzealous friends have attempted to confer. I have only been a worker in the ranks, and so much, through so many earnest souls, has gone to make up our present system of children's laws that no single individual can well be so credited.

I shall feel more than repaid and honored if I am permitted to humbly stand with those who have really aided the children of the State, of which there can be no nobler service to our country.

It is useless to question the wisdom of a thing that has proved successful. The indorsement of the juvenile court of Denver by all the people after four years, including the police and detective departments, the special secret-service associations, the schools, homes, churches, and business men, and the facts and figures stated herein, leave no question that more reform and better results are accomplished by pursuing these principles than the hopeless and too often useless severity of the past. There is, of course, always the question of knowing how and doing the thing. But there is always some one who can and will. Kindness must not be permitted to be mistaken for weakness. You must understand the boy and he must understand you. This is easier said than done.

✓ The personal work is the main thing. It is said that St. Paul in arming the Christian soldier placed sincerity and enthusiasm above all things. Thus armed should be the juvenile-court worker. He or she should have the magnetism of Moses, the patience of Job, the firmness of Abraham, the wisdom of Solomon, and the unselfishness and love of our Lord and Master.

#### THE FIGHT FOR CHILDHOOD.

Of course the home, the church, and the school with their natural moral and uplifting influences have been responsible in the past and must continue to be in the future for the manhood and womanhood of this nation. What is said here is not intended to detract from their importance, but rather to emphasize it. It is because the home sometimes fails, or there is no home, or for causes over which the home has no control and which the church and school do not reach, or for deficiencies which they are powerless to supply, that auxiliaries to these are sought to be furnished by the State.

We shall show how the State of Colorado is the first and only State thus far that by positive law places the responsibility for the delinquency of the child upon the parent and the home; how parents and other citizens responsible are often fined and sent to jail for the faults of children. We would make some parents do their duty; we would help others who need help; we would improve environment and add to opportunity for good as the best duty of the State to the child.

Children in many States at the age of 7 and in practically all at the age of 10 when violating the laws of the land are amenable not to the home, the church, or the school, but to the State. Then as fathers, mothers, or citizens can we occupy ourselves with a more important problem than that of the children? And since the State is placed above the parent and made the judge, as it often is, as to the proper discharge of the parental function, if it may assume it, as it often must, where the parent fails, then at least as responsibility



devolves upon the State as upon the parent to properly discharge its every function, act, or duty toward the child, and as wisely and well.

The facts disclosed, however dark, in that phase of the child problem in cities dealt with by the juvenile court can offer no encouragement to the pessimist. A more important fact is the uplifting movements being furnished for childhood betterment all over this country, of which the juvenile court is only one.

All the new movements, including the court itself, are educational. There are the public play grounds, the ungraded schools, the vacation schools, the manual training and trades work, the settlements, the boys' clubs, the camps, the fresh-air funds, and (as connected with the juvenile court of Denver) the juvenile improvement associations, the little citizens' leagues for law enforcement, the physical department, the rain baths, the good literature, and other uplifting things too numerous to mention. All these tend to prevent delinquency and crime, and just so far as we extend them just so far will we reduce the necessity for juvenile courts or any other courts. We would be better off not without them, but without the necessity for them.

So closely allied are these uplifting movements with the school, as we formerly understood it, that we must soon cease (if we have not already) to draw any distinction between them. In any event they are all embraced under the comprehensive head of education.

Thus the home, the school, and religious influences, supplemented by all the great social agencies that build up a community, is caring for and protecting the child life of this nation better than it ever has before. It is producing the noblest citizenship the world has ever known.

These great movements for the betterment of our children are simply typical of the noblest spirit of this age, the Christ spirit of unselfish love, of hope and joy. It has reached its acme in what were formerly the criminal courts. The old process is changed. Instead of coming to destroy we come to rescue. Instead of coming to punish we come to uplift. Instead of coming to hate we come to love.

That this is no weak sentiment, no idle dream, nor evidence of leniency, the results of four years in the juvenile court of Denver, as well as those of other cities, will fairly show. Nor does it presuppose a lack of firmness, discipline, or strength. On the contrary, it has required more firmness and less brutality, more discipline and less retribution, more earnest interest and less indifference, more strength and less ignorant authority than ever before.

## I. THE LAW AND THE COURT.

### PROBATION.

The probation feature of the juvenile court is not new. Probation is simply a suspension of a sentence upon conditions imposed by the court under a system of supervision after release. If these conditions

are complied with, and the offender conducts himself properly, and by his own effort overcomes the error or evil into which he has fallen, he is relieved entirely from any penalty. He thus becomes a coworker with the State. Excellent laws for the probation of children offenders have existed in a number of Western States for more than twenty years.

#### NEW FEATURES OF LAW.

About the only important new thing that the juvenile law (so called) undertook to do was to permit the correction of children without their being charged and convicted of what would technically be a crime. This was done by designating all offenders under 16 years of age as delinquents, and permitting them to be charged as such upon petitions to be filed by any citizen. Yet the powers of the chancery courts and the general statutes of many of the States embodied substantially all that was necessary to care for dependent and delinquent children. There is very little that is new in principle in what is known as the juvenile court laws. It is rather the surer, more constant, and intelligent application of old principles that deserves to make noteworthy the present agitation for so-called juvenile courts. We are infinitely more in need of men and women to do the work than to make the laws.

#### ILLINOIS LAW.

The juvenile law of Illinois was the first attempt at a unification or codification of the laws of that State relating to dependent and neglected children as well as delinquent children into one statute known as the juvenile law. It seems also to have been its purpose to centralize the children's cases into one court. It also forbade placing children under 12 years of age in common jails or lockups. Statutes forbidding this, however, have existed in a great many States, including Colorado, for twenty years. A peculiar fact is that in the various States there has been very little effort to enforce the children's laws. For instance, there are a number of States having on the statute books, backed by the powers of the chancery court in dealing with the children in its capacity of *parens patriae*, all the power necessary to conduct as perfect and complete a juvenile court as that of Colorado or Illinois, without the addition of a word or a line of the elaborate statute known as the "juvenile law."

#### COLORADO LAWS.

Colorado, before the enactment of our present juvenile law, is an illustration of this fact. What is known as our "school law," approved April 12, 1899 (two months before the juvenile law of Illinois of the same year went into effect), provided that school children under 16 who are vicious, incorrigible, or immoral in conduct, or habitual truants from school, or who habitually wander about the



streets and public places during school hours or in the nighttime, having no employment or lawful occupation, shall be deemed juvenile disorderly persons, subject to the provisions of the act. The act further provided that any person might file a complaint in the county court (now also called the juvenile court), and that the case could be continued for further hearing upon the conduct of the child. This act also provided that the school board could appoint truant officers who should look after the children.

It will be observed, therefore, that even before the juvenile law of Illinois of 1899 became effective, Colorado had upon her statute books every feature of the juvenile court of Illinois, if only availed of and put into actual practice. We have found this condition to exist in several States clamoring for juvenile laws. Of course we must except that feature of the law which permits us to hold legally accountable and punish parents and others for the moral delinquency of children. Colorado is at this period the first and only State in the Union which has such a law.

#### THE WORK AND THE LAW.

What is here said is not intended to withhold any credit from the noble men, and women responsible for the embodiment of all of these features in a well-defined code, but simply to accentuate the fact that it is not so much a question of law as a question of work with and for the children. It is rather a question of doing the thing. In saying this we do not intend to discourage efforts in behalf of such a juvenile-court system as has been finally adopted in Illinois and Colorado.

We found it much more convenient in the handling of children's cases to embody in definite statutory form the definition of "delinquency" and "dependency," and to provide many details by statute, the working out of which without the statute would depend upon the cooperation of various officials, which might not be so easily obtained and which would be largely voluntary.

#### TRUE FUNCTION OF STATE.

Another advantage of this compilation has been to emphasize and accentuate the importance of such cases and the necessity on the part of the State for greater care and more intelligent dealing in the handling of one of its greatest problems. It has resulted in a moral awakening. It has caused a revulsion against that carelessness and indifference which formerly characterized the State in its dealing with children offenders. It has, more than any other incident in the history of jurisprudence, compelled us to realize that the attitude of the State in the care and correction of the child should be as nearly parental as possible. It has also provided a better method of living up to this test. It has awakened the State to see with clearer vision that the child is not to be reformed, but to be formed; that it has every

advantage while character is plastic, in the golden period of adolescence, to redeem a possible offender of the future to good citizenship before he has really become an offender at all. This should be accomplished as a wise and loving parent would accomplish it, not with leniency on the one hand or brutality on the other, but with charity, patience, interest, and what is most important of all, a firmness that commands respect, love, and obedience, and does not produce hate or ill-will. To correct the child we must often begin by correcting the parent, improving the environment in which the child lives, and adding, as far as possible, good opportunities to its life. If the parent is careless and negligent, punishment is rather for the parent than the child. If the parent is helpless, or if the environment is such as to seriously hamper the honest effort of the parent, as is often the case; or, if the natural instincts of childhood for fun, play, and adventure are stifled, for instance, by city ordinances, necessary for the protection of others in large cities, with the consequence of a sure violation thereof and an unintentional disregard for the rights of others rather than viciousness or criminality, then the State simply comes to the aid of the parent and the child.

#### LAW IN DENVER AND COLORADO.

Denver is now in the fourth year of its so-called "juvenile court work." Some cases were brought under the law of April 12, 1899, but no organized effort or systematized plan was inaugurated until a year later. Up to this time there were nearly as many children proceeded against in the justice's court and in the criminal court for crime as there were in the county court. (The county court is also the juvenile court.) There was no systematized effort to bring them to one court. There was no report system, no probation officers, no rain baths, no literature, no physical department, no relief department, none of the earnest heart to heart work and personal contact and touch with the boys, such as characterizes the present juvenile-court work. There was no adult delinquent law. There was no juvenile improvement association, no detention school, with its wholesomeness and uplifting influence. On the contrary, there was the jail, with its filth and vermin and all its vileness, into which over 2,000 Denver boys, between 10 and 16 years of age, were thrust during the six years prior to the establishment of the juvenile court. This meant that one out of every five mothers' sons had a taste of jail life during his formative period between 10 and 16, the most important in life, the period when examples and impressions for good or evil are most sure and lasting.

#### OBJECTIONS TO JUVENILE LAW.

Whatever good results may come under any juvenile law must depend rather upon the personal, active, sincere, and earnest work of



those who are called upon to administer the law. Yet we would be handicapped without the law. It permits many things to be done where there is a disposition to do which could only be accomplished with difficulty under the old law. I do not, in my own experience, know of one imaginable abuse which might be feared under the juvenile law that could not likewise and with more probability occur under the criminal laws. The misfortune is that abuses, mistakes, and failures under the criminal law, because of its very conventionality, are seldom thought of or considered, whereas the shortcomings, however inconsiderable, under the juvenile law, because it is new, are too often seized upon and held up as glaring illustrations of its failure. An official requested the judge of the juvenile court to send a 15-year-old boy to jail, giving as his principal reason that while the evidence was not conclusive, nevertheless the boy had been in jail twelve times before from the criminal courts, and therefore he should be sent to jail the thirteenth time. It never occurred to him that the State had failed already twelve times when he began his dire predictions that to place the boy on probation, with such aid as could be afforded him by the court, would end in utter failure. In this particular case the boy turned out well and after two years is an independent and promising citizen. But suppose probation had failed. It would have had still twelve times the best of the jail. Even in England, where the criminal laws are most rigidly enforced, according to the statistics of its prison inmates, more than half of them are serving at least the second term.

Power under any law may be abused. Mistakes under any law may be made. No system is perfect. If anyone conceives the idea that the juvenile court was created for the purpose of correcting or reforming every disorderly child, they are, of course, mistaken. Jails and criminal courts never did that. On the contrary, criminality among the youth of this country has been amazingly on the increase. Over half of the inmates of jails, reformatories, and prisons combined are under 24 years of age. They are there largely because of uncorrected delinquency in childhood. While the juvenile court and probation system will not and can not entirely overcome delinquency and waywardness, it will do it a great deal better than the jail and the criminal court ever did. This is the test of its success rather than the number of children it succeeds in correcting. There are failures under the juvenile law, but there were more failures under the criminal law. It must be remembered that the juvenile court generally deals with cases in which there has been a failure in the home, school, and often the church. These three institutions are the places through their various influences to form the character of the child. Yet when he violates the law of the land it is the state that is called in to effect the correction. The home, of course, is the most important place of all to accomplish this. The school or the state is not to

blame because it can not always supply the deficiency of home training. Again, each home depends upon some other home, and I have known many careful and firm parents to have all of their efforts in behalf of their boys overcome by the stronger power and influence of a boy in some other home, where the rearing and training was not so good. We are the creatures more or less of all the influences and environment of our lives. The juvenile court is rather an aid to the home and the school in the moral training of the child. If these two latter fail, the court, through its officers, does the best it can to supply the deficiency. It should never be resorted to until necessary, and then it needs and demands the help, assistance and cooperation of the parent and the school, and with their aid, brings to bear such additional power as it may wield in the life of a child, to correct its evil tendencies. They should realize that what is being done is in the interest of the child and, incidentally, to protect the rights of others. Of course, it is also to overcome lawlessness, secure obedience from the child, and respect for the law. This is done often under difficulties, not of the court's creating, but over which it has not complete control. Understood rightly, the actions of the court will seldom merit disapproval or criticism.

#### THE COURT AND THE HOME.

It will be seen, therefore, that it is not the province of the juvenile court to usurp the functions of the home. Its true province is rather to see that this function is performed as it should be; in the case of inexcusable neglect and indifference by parents, to compel them to perform this function; where there is excuse, as is frequently the case, to assist them; and finally, where the parent has entirely failed or there is no home, the state must take the child and treat it as nearly as possible as the parent should.

#### TREATMENT OF CHILD OFFENDERS.

This court does not tolerate the idea of the child being a criminal. It does not consider the question of punishment the important thing. If the child can not be corrected at home, for its own good and for the good of society at large it is simply sent to a State public school, where discipline is superior to that of the home and where it is intended to correct its waywardness, and also, in so far as it may, serve as an example to prevent waywardness in others. The purpose is in delinquent cases, to inspire and receive obedience, to improve and strengthen character. Force is seldom necessary. It should not be at all if there was harmony, understanding, and patience. It is only at best a short cut to correction. It is not natural. We never release a boy upon probation until he is impressed with the idea that he must obey. It is explained what the consequences will be if he does not obey and keep his word. It is kindly but firmly impressed



why all this is so, and why after all he is the one we are most interested in, and that it is for him we are working and not against him. We want him to work with us and not against us. He must, to do this, obey in the home, in the school, and of course he must obey the laws of the land and respect the rights of others. We must know that he obeys. We know this by reports from the school, signed by the teacher, every two weeks; by reports from the neighborhood, when necessary to investigate, and frequently, by reports from the neighborhood, when necessary to investigate, and frequently, by reports from the home, and, in exceptional cases, visits to the home. And more important than all this and above all this is the trust and confidence we impose upon the boy himself through the administrative work of the court. We arouse his sense of responsibility. We understand him as best we can and we make him understand us as best we can.

#### CRIMINAL COURT AND JUVENILE COURT COMPARED.

In over 95 per cent of cases on probation, after nearly four years (at the writing of this report) we succeed. We do not fail in the 5 per cent, for because a boy must be sent to the industrial school is not the test of failure. It may be said that because 95 per cent have not committed a second offense after a period of from one to three years, it is not the test of success. Yet such was the test under the criminal law, and it is the only test we have. We know that over 50 per cent of all the boys discharged from the courts, before the existence of the juvenile law, were returned for further offenses within the same period upon which the estimates of results in the juvenile court of Denver are here made. As a matter of fact, from the records investigated in the criminal court, over 90 per cent were convicted of crime and over 75 per cent of boys, under 17, were sent to jail or some State institution. In the Denver juvenile court none are convicted of crime or subjected to the contamination of the jail, and not over 5 per cent of those first subjected to probation ever reach the industrial school to be cared for at the expense of the State, and (however unjust it is) to be handicapped in life by the stigma of reform school odor. Indeed if the number of commitments of children brought to the juvenile court were as large as in the old days when they were brought to the criminal court, considerably over \$100,000 cash would have been added to the burdens of the taxpayers of Colorado during the past three years for their care and maintenance. But is this even to be thought of in connection with the saving to the citizenship of to-morrow?

#### PRESENT COLORADO LAW AND DETAILS OF ITS OPERATION.

The first two annual reports of the juvenile court of Denver represented its work under the system established in January, 1901, in

which was invoked for its support the powers of the court as a chancery court, aided by the laws relating to dependent and neglected children enacted in April, 1895, and the laws relating to delinquent children, heretofore referred to, approved April 12, 1899. The court is now conducted under an elaborate set of laws prepared in November, 1902, and passed by the legislature of January, 1903. With the exception of the substitution of the detention school for the jail and the law holding parents and all other citizens to a rigid legal liability for any faults of children to which they may contribute, no other substantial changes have been made in the juvenile laws of Colorado. The administrative work has always been of infinitely more importance than the statutes. The best juvenile laws in the world without the proper people to administer them would be but little substantial improvement over the old criminal laws in the correction of children. Yet they would be preferable.

#### DELINQUENCY.

In defining delinquency we embodied the very broad definition of that term in the Colorado school law of April 12, 1899, and the Illinois law of 1901, adding a number of features as the result of over two years' experience, to wit:

The words "delinquent child" shall include any child sixteen (16) years of age or under such age who violates any law of this State or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious, or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits any policy shop or place where any gaming device is or shall be operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the nighttime without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks or jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscence, vulgar, profane, or indecent language, or is guilty of immoral conduct in any public place or about any schoolhouse. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act.

We retain section 4 of the school law of April 12, 1899, with slight changes as follows:

SEC. 4. Every child within the provisions of this act who does not attend school, as provided in section 1 of this act, or who is in attendance at any public, private, or parochial school, and is vicious, incorrigible, or immoral in conduct, or who is an habitual truant from school, or who habitually wanders about the streets and public places during school hours without any lawful occupation or



employment, or who habitually wanders about the streets in the nighttime, having no employment or lawful occupation, shall be deemed a juvenile disorderly person and be subject to the provisions of this act.

Section 1 of the school law referred to provides as follows:

*The compulsory school law.*

SECTION 1. That in all school districts of this State, all parents, guardians, and other persons having care of children shall instruct them, or cause them to be instructed, in reading, writing, spelling, English grammar, geography, and arithmetic. In such districts every parent, guardian, or other person having charge of any child between the ages of eight (8) and sixteen (16) years shall send such child to a public, private, or parochial school for the entire school year during which the public schools are in session in such districts: *Provided, however,* That this act shall not apply to children over fourteen (14) years of age where such child shall have completed the eighth grade, or may be eligible to enter any high school in such district, or where its help is necessary for its own or its parents' support, or where for good cause shown it would be for the best interests of such child to be relieved from the provisions of this act: *Provided further,* That if such child is being sufficiently instructed at home by a person qualified, such child shall not be subject to the provisions of this act: *And provided further,* That if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this act. It shall be the duty of the superintendent of the school district, if there be such superintendent, and, if not, then the county superintendent of schools, to hear and determine all applications of children desiring for any of the causes mentioned herein to be exempted from the provisions of this act, and if upon such application such superintendent hearing the same shall be of the opinion that such child is for any reason entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reasons for such exemption. An appeal may be taken from the decision of such superintendent so passing upon such application to the county court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court within ten days after its refusal by such superintendent, for which no fee to exceed the sum of one dollar shall be charged, and the decision of the county court shall be final. An application for release from the provisions of this act shall not be renewed oftener than once in three months.

The county courts of Colorado are declared by the juvenile law to be the juvenile courts. The law extends to the entire State. It is not limited to cities.

DEPENDENT CHILDREN.

No reference is made in the last juvenile act to dependent or neglected children. The title of the act is "An act concerning delinquent children." We deliberately omitted dependent and neglected children from this act because, first, the law of 1895 concerning dependent children was considered sufficient for all purposes in connection with the inherent chancery and probate power of the court, under our general statute and the common law, to deal with depend-

ent and neglected children. Second, we feared to jeopardize the constitutionality of the act by subjecting it to possible attacks on the ground that it attempted to deal with more than one subject, as our constitution forbids any one act from doing. While not admitting such objection, it was thought best not to take such chances, in view of substantial laws already existing for the present needs of our people. Third, a number of reasons, because of local conditions and some legal complications peculiar to our State, not necessary to refer to, made it wise to omit dependent children from this bill. Fourth, Colorado has few dependent children, and the problem of dependency is entirely different from that presented in some of the old States containing larger cities. The delinquent child has been the class most neglected. Nevertheless the present statutes relating to dependent and neglected children, while sufficient for present needs, were codified and amended into one harmonious chapter, which was presented in the last legislature, but failed of passage. It encountered no opposition, but could not be reached on the calendar before the day of adjournment. It will be presented again at the next legislature. While we consider "delinquent" and "dependent," as these terms are applied to children, more or less interchangeable, and a delinquent child simply a neglected child, it was considered the wisest policy, in view of possible objections and constitutional quibbles upon which our supreme court has never passed and the addition of our parents' delinquent bill, to keep the acts separate and distinct. Since this policy was adopted, however, the supreme court of Missouri has (within the last few months) sustained the constitutionality of the juvenile law of Missouri, which referred to both dependent and delinquent children, and overruled the attack made upon the law because of the embodiment of both classes in one and the same act and the limitation of the operation of the law to cities alone. Courts of other States might hold differently, however, and the matter must be controlled largely by local decisions and conditions.

#### PREPARATION OF LAW.

In adopting juvenile laws in other States good lawyers, especially those versed in constitutional law, should be consulted, and a great deal will depend upon the constitution of a particular State, general statutes, the jurisdiction of courts, the fee system or the salary system of paying officials, and other details readily suggesting themselves to the lawyer, and which might be, because of lack of training and experience, overlooked entirely by charity organizations, women's clubs, civic societies, or other perfectly well-meaning associations which have taken up the passage of juvenile laws. Again, with the best legal advice, difficulties may be encountered and the law or portions thereof possibly upset, so that only a number of years of experience and amendment can perfect a suitable law. Those inter-



ested in this reform must not be discouraged by backsets in the court or disappointments in the administrative work by those placed in charge. A satisfactory system is bound to come in time with patient effort and no lagging of the spirit back of it.

#### SPECIAL FEATURES OF COLORADO LAW.

The following features are largely peculiar to the juvenile law of Colorado as found in its various sections:

Paid probation officers are provided for, not to exceed three, in cities of over 100,000 inhabitants, at a salary of \$1,200 per year each for two of such officers and \$1,500 per year for the chief probation officer, with an expense account of \$1,100 a year, to be paid under the direction of the court.

#### HOW APPOINTED.

Provision is made for the appointment of these officers by the judge of the court, subject, however, to the approval of the State board of charities and corrections. This board is composed of two women and five men, always representing our best citizenship, who are not politicians and who serve without pay. They must within thirty days after submission of the appointment reject or confirm the same. The purpose of this provision was, as far as possible, to keep politics from interfering with such appointments and to secure a high class of service. It has worked most successfully so far. It is far superior to the voluntary probation system of the first two years' experience of the court. There are some good reasons for and against providing for paid probation officers. In Illinois paid probation officers are not provided for, yet there are, according to reports, about 40 such officers paid in Chicago by the various charity associations and by the city. The mayor simply appoints a number of men as policemen and details them to the juvenile court, where they are appointed probation officers. They thus receive their pay as policemen and do their work as probation officers. The charity associations and the charitably disposed citizens are called upon to pay the salaries of quite a number of such officials, and then there are a great many who give their services without pay.

#### EXPENSE OF PROBATION.

Considering that Denver, like Chicago, has hundreds of thousands of dollars invested in jails, criminal courts, and hundreds of thousands to make up the salary lists of deputy sheriffs, jailers, and policemen, and considering that over half of the criminals are among the young men, that at least one-fifth of all arrests (possibly eliminating common drunks) in the cities of this country are among the boys, it would seem a very shortsighted and inconsistent policy in providing for their protection and the prevention of crime to refuse

the expenditure of public moneys therefor and at the same time continue to increase the appropriations into the hundreds and hundreds of thousands for the conviction and punishment of those who are criminals largely because of neglect in youth by the home and the State. The only possible advantage in favor of begging from the public to support probation officers is the fact that it is more likely to be eliminated from politics and a better class of people employed. Yet, in principle, I think the system is wrong. It is unjust and unfair to require the charitably disposed citizen of the community to exclusively shoulder the financial burden of administering its most important laws. Some method should be devised to keep the administration of these laws out of politics, and generally a healthy public sentiment, such as exists with reference to this work in most of the cities, will do much to that end. The judge of the juvenile court of Denver has never been approached by a single political leader or a single political influence in the appointment of probation officers, nor does the judge of that court know the politics of the probation officers.

The paid probation officers are two men and one woman, selected because of their peculiar fitness and competency for the work in hand; and, as at present constituted, each of them has had several years' experience in work either directly or indirectly related to that of the juvenile court. They are in the work for the love of the work rather than for the salary in it. But because one is so disposed should not be any reason why they should not be sufficiently compensated, for there is no higher class of service to the community than that of a competent and efficient probation officer. I say without hesitation that one probation officer, earnestly and enthusiastically engaged in his work, will do more in the course of a year to prevent crime than the best district attorney can do in five years in prosecuting crime. Judge Tuley, one of the oldest and most respected members of the circuit court of Chicago, declared publicly that the juvenile court of that city had done more during its brief existence to decrease crime than all the courts of the State could do in twenty years. This is just as true as the old adage, "An ounce of prevention is better than a pound of cure."

As many voluntary probation officers may be appointed as the court desires.

#### POWERS OF PROBATION OFFICER.

Paid probation officers are vested with all the power and authority of sheriffs to make arrests and perform other duties incident to their office. In counties having a population exceeding 15,000 one probation officer may be designated by the court by and with the consent of the board of county commissioners, where it is deemed necessary, upon a salary to be fixed by the board. The purpose of this joint responsibility in appointing a probation officer is to prevent abuse under the statute, as, if left to the discretion of the county judge in



a small county, an officer might be appointed when unnecessary, as a political reward or favor. So far no complaint has been made of abuse under this section excepting in two counties, where it is claimed a paid probation officer is needed and the county commissioners refused to permit it because of the expense.

#### HOW COMPLAINTS ARE FILED.

The district attorneys of the several counties in the State, as well as all probation officers appointed by the court, are authorized to file complaints or petitions in the county courts of the several counties of the State, declaring any child to be delinquent by briefly stating the cause of the delinquency. In the large cities, like Denver, the probation officers file all the petitions or complaints. We consider this better than permitting the indiscriminate filing of complaints by any citizen who has some grievance against a child which very often does not deserve the dignity of a court proceeding. The result is that in Denver all complainants must first submit their case to the probation officers or the district attorney. The district attorney has properly turned all such cases over to the probation officers. It is then investigated and often settled out of court. A warning and notice to the parents by the probation officers of their responsibility to correct the child in the home is effective in a great many cases without further action. The effect is also a distinct benefit to the entire community because of its reminding influence on all parents.

Two or three detailed monthly reports made by the probation officers are submitted in another part of this report as better indicating the detailed work of that official.

In the smaller counties of the State it is impracticable and practically impossible to have a probation officer. In nearly every county some lawyer, generally a young practitioner, acts as a deputy district attorney, and he files the complaints or petitions, not as prosecuting officers do in prosecuting for crime, but rather as the agent of the chancery court.

#### FEE SYSTEM OF PAYING OFFICERS.

Prosecuting officers in criminal cases are paid by the fee system in Colorado. We have heard of children being prosecuted for crime when there was no necessity for it in order that the fees of prosecuting officers could be earned.

It was considered doubtful if the State could be deprived by statute of the right to prosecute children of 16 years or under for crime, if it elects so to do. The danger in Colorado where the fee system exists was that prosecuting officers in some of the counties might insist upon prosecuting children for crime in order to earn the fees. It was therefore provided in the juvenile law, as the legislature had an undoubted right to do, that no fees should be paid any officer in the case of a

child within the provisions of the act, unless it was proceeded against under the juvenile law, in which case a small fee is allowed, unless permission should first be given by the juvenile court, excepting capital cases, to prosecute for crime. The result of this provision has been to avoid the abuses feared and to secure the cooperation instead of the antagonism of the various officials of the State, when the pernicious fee system threatened all kinds of difficulties.

#### POWERS OF COURT NOT ABUSED.

So far there has not been a single case where anyone has intimated \* that the rather broad powers afforded to bring children into court have been abused. Out of 2,000 cases against both parents and children brought to the juvenile court of Denver in over three years, in only 2 cases have lawyers ever appeared to defend, and no exception has ever been taken to the disposition of a single case, although several hundred parents and others have been fined or sent to jail and a considerable number of children committed to institutions. Among these cases have been children and parents of very wealthy people as well as very poor people. Juvenile courts are in operation in Pueblo, Colorado Springs, Greeley, Boulder, Cripplecreek, Leadville, and several other towns, and we have yet to hear of a single charge of abuse by any Colorado court of any power under the juvenile law.

#### HOW LAW EXTENDS TO ENTIRE STATE.

The law was designed primarily for the large cities where the problem of the children is very different from that of the smaller towns. It was extended, however, to the entire State, first, because it would have been of doubtful constitutionality under the constitution of Colorado to have made special laws for special cases in special towns, and, second, we believed that whatever good might be derived from the probation system might, without expense or danger of abuse, be extended to all the children of the State. The wisdom of this course has been more than apparent, as the act has been considered free from constitutional defects and legal difficulties by all of the best lawyers in the State who have examined into the question.

#### LAW IS ELASTIC AND VALID.

The Colorado law is designed to be so elastic that in case any court ever should hold that children can not be dealt with differently from adults with respect to their offenses against the State, all of the admittedly good features of the law may be preserved and its administration in no wise seriously hampered. We have not the slightest doubt, however, that the courts will sustain the law when called upon, upon the theory regarded by us as the proper and correct one, viz: That the State is simply devising a method of dealing with its wards, not as criminals, but as misguided and misdirected; as those who might



be criminals some day, but in childhood not yet responsible, still in the formative period, and as needing the care, help, and assistance of the State rather than its punishment. The State, in other words, deals with the morals of the child, on much the same basis that it would deal with the financial welfare of a minor, who is not considered sufficiently responsible to handle his dollars or dispose of his property until he arrives at the age of 21 years. Surely if the State can distinguish between individuals under 21 in dealing with their property and money, regarding them as entitled to a different protection and a different application of rules and laws than adults, there is more reason why a different course should be pursued by the State when it comes to the question of the moral welfare of its children. The value of the future citizen to the State depends a great deal more upon how well and how carefully his morals are guarded than how wisely his money is spent.

#### EXCEPTIONAL CASES.

Yet we realize that there are exceptional cases of depravity and viciousness among the young, and the State retains the right, by one section of the juvenile law, to consider any one of these (16 years or under) a proper subject for the criminal courts, and may elect, in accordance with the procedure prescribed, to prosecute such case in the criminal court, subject to all the rules and penalties of the criminal law.

#### CHILDREN AND PARENT CASES ALL IN ONE COURT.

Jurisdiction is by this act taken away from the police courts and justices of the peace in all cases of children offenders 16 years of age or under, in order that such cases may be all tried in one court. Surely it is not only right but the duty of the State to legislate for the best interests of its children, and the purpose of this provision is to better enable the officers of the State to deal with the problem of delinquency, both as for the best interest of the child and for the best interest of the State. In Colorado this feature of the law is carried out to the extent of concentrating all such cases into one court. This is the county court, declared by law to be the juvenile court in children's cases, having all the criminal, chancery, and civil jurisdiction necessary to cases pertaining to children, parents, or others affected by the juvenile laws; yet a portion of this system is rather a matter of practice and cooperation between the district attorney and the court than mandatory under the statute. Parents, citizens, and others who contribute to the delinquency of children, are therefore tried in the same court before the same judge, generally on different days from the children. Fathers who fail to support their children, either physically or morally, are liable under the laws of Colorado, and in Denver are all tried in the juvenile court. Thus there is concentrated

into one court, in one jurisdiction, under the surveillance of the same set of officials, every conceivable case involving a dependent or delinquent child, as well as those responsible for its dependency or delinquency. The school law and the child-labor law are also enforced in the same court before the same judge, in Denver. Hon. H. A. Lindsey, the district attorney for Denver, is entitled to great credit for his broad sympathy with this work, aiding, as far as it is in the power of his office to aid, the perfection of this system.

There is no reason why the same system can not be established in other jurisdictions, and the results, as compared to those of the old methods of divided jurisdictions, different courts, and different judges, will more than compensate for any effort to bring it about. We consider it a step backward rather than forward to provide for a special court limited to children's cases only, unless it is given general and unlimited criminal and chancery court jurisdiction, in order that it may successfully handle all cases against or concerning adults where a child is involved. In view of the doubtful constitutionality and difficulty of establishing such a court in many States, it would seem much better to confer such jurisdiction in an established and recognized court under the constitution, and if necessary provide an extra judge for such a court, fixing by practice and rule of court the time for hearing adult and juvenile delinquent cases. In the very large cities a special court may be preferable if the jurisdiction is unlimited.

#### DUE PROCESS OF LAW—JURY TRIAL, RIGHT TO COUNSEL, ETC.

In order to avoid constitutional difficulties or attacks upon the law, it was considered the better part of prudence to provide for trial by jury in case it is demanded; also the right to counsel, a right that could be claimed in a criminal case. In dealing with a child as a ward of the court, for its own welfare, on the theory hereinbefore mentioned as the true one, we do not believe that any such provisions are necessary, yet their incorporation in the law was a wise precaution and may indefinitely defer, if not entirely prevent, attacks upon it. We never appoint attorneys to defend children. The court is their defender and protector as well as corrector.

#### ANNUAL REPORTS FROM COURTS.

Yearly reports, containing much detailed information, to the State board of charities and corrections from all the juvenile courts of the State are required, as furnishing interesting data of value sociologically. Names and identity of parents or children brought to the juvenile court are expressly prohibited by the law from being revealed in any such reports.

#### DETENTION SCHOOL.

The detention home or school is provided in lieu of the jail in counties of the first class (where the largest cities are located). It is man-



datory upon the authorities to furnish such place, removed from any jail or lockup. No child under 14 years of age can be incarcerated in any jail. The detention school in Denver has proved a marked success so far, and is ably administered by Mr. and Mrs. J. P. Wright, eminently qualified by long experience as teachers and workers with boys for their position. The home is as comfortable as a family home, contains a schoolroom, dormitory, and dining room. Where it is necessary to detain children, they are kept engaged in some useful, wholesome occupation. Boys do not like to be kept in after school. They are particularly anxious not to be kept in in the detention school for several days or a week, and the wholesome surroundings of the place have not, as some of the pessimistically inclined would have had us believe, had the effect of encouraging rather than discouraging waywardness. It is true that many boys are returned to the detention house the second time, but it was equally true in our experience that many more were returned to the jail the second and up to the tenth and twentieth time.

#### CORRECT THE CHILD, BUT PROTECT THE CHILD.

The detention school is not a cure-all. It is more effective, however, as far as there can be any effect in the correction of the child, than the jail, and from our experience a great deal more so, and at the same time, while it seeks to correct the child, it does protect the child. This the jail has never done and never can do. The jail always degrades. Admitting any shortcomings of the detention school, if there be any (and we do not pretend that it is perfect), it is hard to conceive how anyone could ask for a return to the jail, unless they belong to that class of carpers and critics who have never done anything to solve or help solve this intricate problem, but who are always ready to tear down what others have tried to build up, and who start in by assuming that unless a new plan is a cure-all for all delinquency it must necessarily be a failure.

#### ARM OF DISCIPLINE.

The detention school is also the strong arm of discipline of the juvenile court. If a boy fails to report as required by the court, it is well to have the detention school instead of the jail where he may be placed until he learns the lesson of obedience. When a boy is brought there, the superintendent ascertains his school and grade, and he is simply kept at his lessons. The superintendent sleeps in the same dormitory with the boys, where the beds are clean and wholesome and the surroundings pure and uplifting. The boy's environment is kept as normal and natural as possible consistent with the necessities of discipline and firmness to bring about correction.

## HOW BOYS ARE TRUSTED.

Many of the boys recently sent to the detention school are sent alone, with their own written orders for detention. I have likewise returned many a boy to the jail alone at all times of day and night, and never has a boy whom I sent to jail alone failed to go. With a few exceptions (generally because of utter irresponsibility) since we inaugurated the system all boys who have been sent to the industrial school have been sent alone, and not one out of the 18 thus dealt with so far has failed to go without any officer or anyone at the school knowing he was coming; yet this involves a trip through a crowded city, a change of cars in the railroad yards, speeding across the plains into the foothills, and landing a half mile from the industrial school gate. This feature will be referred to more in detail under the chapter on "Administrative work."

## COMMITMENTS AND INSTITUTIONS.

With few exceptions the commitments in delinquent cases thus far made by the juvenile court have been made to the industrial school for boys at Golden, and for girls at Morrison. These are educational institutions maintained by the State and declared by law to be educational and not penal. Our laws forbid the State to pay any private institution for the care of its wards. It provides ample facilities in its own schools, conducted by State officials, for the care of both delinquent and dependent children. Children may be sent to private institutions approved by the State board of charities and corrections, but the expense thereof must be provided for by the institution itself or from some private source.

## RELIGIOUS INSTRUCTION.

All denominations may conduct religious instruction in the State schools or homes.

## ADOPTED INTO HOMES.

About half of the dependent children brought to the court have been adopted into homes at once. All others are sent to the State Home for Dependent Children, near Denver, where homes are found as rapidly as possible. There are State agents representing the institution who keep track of the child to be assisted to see that his home is suitable and treatment proper.

## CONSTRUCTION OF LAW.

Our delinquent act provides that it "shall be liberally construed in order that the care, custody, and discipline of the child shall approximate as nearly as may be that which should be given by his parents, and that, as far as practicable, any delinquent child shall be treated, not as a criminal, but as misdirected and misguided and needing aid,



encouragement, and assistance." In the juvenile court of Denver we follow out the letter and spirit of this law under what we term the administrative work of the court, which must depend largely upon the particular judge and officials administering the law, as well as the jurisdiction, particular class of city, and the character of the problems it is called upon to face, varying as they do with different localities and populations. The administrative work of each court, therefore, must depend largely upon a great many things, and what could be done in one jurisdiction might be very impracticable in another. What has been done in Denver in accordance with this direction of the statute will be more particularly discussed under the head of "Administrative work."

#### ADULT DELINQUENCY LAW.

The most important feature of our children's law is "An act to provide for the punishment of persons responsible for or contributing to the delinquency of children."

SECTION 1. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by the statute of this State, the parent or parents, legal guardian, or person having the custody of such child, or any other person, responsible for, or by any act encouraging, causing, or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed one thousand dollars (\$1,000) or imprisoned in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

Now, how does this work? A few illustrations will suffice.

#### ON THE TRACKS AND STEALING COAL.

Here are three boys brought in for stealing coal from the railroad company or wandering about the tracks. Either of these things are declared by the children's delinquency act to constitute the child a delinquent. Now, this law was not intended for the benefit of the railroad companies unless that benefit shall be coincident with that of the children, which is probably true. Wandering on the railroad track may result in the loss of life or limb. It may cost the company a damage suit. Among the poorer classes (and 90 per cent of the boys who do this thing are so unfortunately situated) boys take coal from the cars. Some boys are encouraged in it by their parents; others do it because they see such boys doing it. The example is contagious. They will run from the officer if they see him coming. They know they are doing wrong. The next step is stealing brasses or appliances about the cars, which I have known to cause serious damage to the railroads and jeopardy to life and limb of the citizens; or the boys are breaking in cars, stealing fruit and other things, and the

first thing we know we have a completely developed thief as years progress and conscience and moral sensibility are hardened, and so the boy is in the end hurt worst of all. Now, where did this trouble begin? It began in the failure of the parents to do their duty toward the child; so, before the boy has reached the brass-stealing stage, the burglary stage, or has been maimed or injured, he is brought to court, perhaps for the mere fact of being on the tracks. He is told kindly but firmly the very things here set out. His parents are brought with him, and they are told the same thing, and they find for the first time that they may have to pay out money or stay in jail for letting the boy go on the tracks. Such parents are generally poor, and by the terms of the act we impose conditions in the sentence against them. For instance, we may say to a delinquent father: "Mr. Jones, we will fine you \$25 and costs. We will require you to pay \$5 of that fine and suspend the balance on condition that you keep that boy off the railroad tracks and in the school. You can do it if you look after him and take more interest in him and know where he is. If you do not, you will pay the balance of this fine or go to jail." Perhaps we may suspend the entire penalty so long as the child fails to return to the tracks. In some cases a jail sentence of thirty days has been imposed and three days enforced and twenty-seven suspended on condition the offense is not repeated. This has a wholesome effect on an entire neighborhood. Not to exceed 2 out of 100 children of parents thus dealt with have so far been returned to court.

#### CARELESS PARENTS.

It is really astonishing how little care and attention is given by many parents to their children. It is troublesome and tiresome very often for them to do their duty. This law awakens them to a realizing sense of their responsibility to the child and if not done voluntarily that it can be enforced by the statute in a most salutary manner. If you will read the section defining delinquency you will observe that there is hardly any kind of an offense that a child can commit that the parent or others can not be held responsible for.

#### SENDING CHILDREN TO EVIL PLACES.

Supposing a man sends a boy to the saloon; whether it be the manager of the messenger company, a citizen, or parent, the individual that did that thing, as well as the barkeeper or the saloon keeper who let the child have the liquor, has contributed to the delinquency of that child. The child was a delinquent by the terms of section 1 of the delinquent act when it visited or entered the saloon; it would neither have visited nor entered the place if the man or woman had not sent it there. Now, is this not just, and is it not doing more than ever to reach the root of the problem?



## A 12-YEAR-OLD THIEF.

I know a 12-year-old boy who (by the criminal law) is a thief. His precocity in this direction is amazing. I studied the history of his little life and here was the beginning. A man sent him with a note to the saloon. He went to the saloon as a messenger, still innocent of the taste of liquor, and, up to that time, of any theft beyond apples from the corner grocery. The note directed that he take the liquor to a house of prostitution. In that house the boy received his first drink. Two months afterwards he began to "knock down;" that is, overcharge when he could for amounts collected on messages and to scheme in other directions to get money to buy liquor. Now, I suppose that the messenger company would have wanted to arrest the boy and send him to the reform school for taking its money. Did you ever stop to think of the inequality of justice (or injustice) in such a result? Yet I have known it to be actually done time and time again. Of course, that boy may have been a thief, but the chances are he would not have been if the men and women involved had done their duty toward the child. The men and women involved are brought in in Colorado and heavily fined or jailed, or possibly placed on probation. Yet under the law now existing in other States they go "scot free" and the child is stigmatized with theft; or burglary, and on the threshold of its little life branded as a criminal. You will see how the whole spirit of this law is to prevent this kind of injustice and why the law is for the child. Here is an actual case: Little Henry stole a bicycle; he wanted to get money to buy liquor. Little Henry's mother had sent him to the saloon to get liquor for herself, never thinking about the child. Now, little Henry chums with little Joe. Joe's mother never sent him to the saloon, but conducted a quiet Christian home; yet Joe was a boy, with a boy's natural instincts to follow a leader, controlled by the "gang," loyal to his chum, thoughtless and easily misguided and misdirected, moral character still undeveloped. Now, then, little Henry's mother not only made her own boy a thief (of course without realizing it), but also made another mother's boy (who never did what she did) just as big a thief. Now, under the law of Colorado, we deal with firmness and yet look with kindness and consideration upon poor little Henry, 10 years old, but we brought in his mother, the saloon keeper and the barkeeper for contributing to his delinquency. Making them respect it and do their duty helps us to correct the child. We remove the causes as far as we can.

Here are four or five boys running on the street at night, bumming around cheap theaters. They are, by the definition in section 1 of the act, delinquent. Their parents may be brought in for contributing thereto, for they will have a hard time to show that had they done their duty to their children they would not have been at home in bed. We have now two men charged with contributing to the delinquency

of four young Dick Turpins, 11 and 12 years of age, by selling each of them dangerous firearms for money they had stolen from a drunken man whom they had steered into an alley back of the saloon and robbed. The youngest, a handsome boy of 11 (but inured to the slums and living as in an atmosphere of vileness), who engineered the scheme, said to me: "Judge, if Mr. Blank can sell the kids whisky on Sunday when you say it is against the law, and the cop don't care, why can't we swipe things?" Such is the power of a bad example. The law would as far as possible compel men and women to set good examples.

#### A CHECK ON BOY TRAMPS.

Here is the brakeman or the conductor on the railroad who assists boy tramps to move from place to place and does not materially prevent them from "hooking" on the cars. I have known some men to encourage this sort of thing. They may be brought in for contributing to the delinquency of such a child, and so it goes. The general managers of all the railroads of Colorado have notified their trainmen of this law by circular letter, so that boy tramping is more difficult than ever. The law is very elastic, and success, of course, depends upon its wise, intelligent, tactful, and firm administration.

#### PROBATION OF MEN AND WOMEN FOR FAULTS OF THE CHILD.

It is true we have sent men to jail for selling cigarettes or liquor to boys under this law. We have imposed heavy fines upon a great many men, but in many such cases we have placed the parents and the citizens upon probation, as well as the children. They have reported, and in doing so have become the friends and coworkers of the court. Some of the best friends we have, who have helped us most to stop the selling of liquor to boys in certain neighborhoods, have been saloon keepers and barkeepers who had originally violated the law, but who had really never stopped to think what they were doing and did not really intend to harm the child. There are big-hearted men in this class, and more success can sometimes be gained in proper cases by getting them to fight with you instead of against you. I know an intelligent liquor dealer who told me in open court that he never realized how crime commenced and how it spread, and what his responsibility was for the boy whom he wanted to arrest for stealing; that he had his first lesson in the juvenile court, and he stood ready to help punish any man who would sell a child liquor.

#### THE MESSENGER COMPANY AND THE BOYS.

After the enactment of the adult delinquent law we notified the various telegraph and messenger companies that boys under 16 on duty going to saloons, gambling houses, and other evil resorts (the mere visiting or entering of which placed them in the class known as



delinquents) would be prosecuted. The managers of the Western Union, the Postal, and the A. D. T., with their counsel, held a consultation with the judge of the juvenile court after the law became effective, and agreed to obey it in letter and spirit, and promised that for the evening and night service no boy under 16 should be employed, and that boys under 16 upon day service would not be called upon to answer calls to any of the places mentioned. So far they have obeyed the law.

#### EVILS OF STREET EMPLOYMENT—POWER OF EXAMPLE.

We have found, after a careful study of child crime, that the power of example is a most potent factor. For instance, more than half of all city school boys are addicted to swearing. Why? Because, in the streets, even if not in the home, they constantly hear men swear. You send them to Sunday school and they learn they are violating one of the commandments they are taught to obey; but men pay no attention to it, then why boys? Boys are imitative. They want to do what men do. The constant violation of one certainly does not help the observation of the other commandments. I have had many boys around my table in my chambers upon many an evening, being very much a boy myself, and learning all they know, talking with them just as one boy would talk with another; living in their world, in their very atmosphere, and then I have been greatly helped to trace the various causes which seemed to account for weaknesses and waywardness.

I believe a most fruitful cause is that of the messenger service in cities. Boys are sent to places where they see men violating the laws, engaged in immorality, and they soon become calloused and indifferent, their conscience ceases to respond to nobler things, and because men do these things, why not boys? The fact that the boy sees men or women engaged in those things which we would caution him against makes it more difficult to bring him through the period of adolescence to a clean, decent, and wholesome manhood. I am perfectly aware that some of our best men have gone through the fire of these things in boyhood, but they are the exception rather than the rule. They have become good men—not because of such environment, but in spite of it—because in their lives the good overcame the evil. Thousands of these children, not so fortunate, go down to destruction every year in the cities of this nation. I know that most messenger boys, as well as newsboys, in cities especially, are, compared to what their child life should be and what any decent parent would want it to be, impure and unclean. I have listened to their talk in the alleys and about the newspaper offices. They have confided to me the very worst side of their lives, and I know whereof I speak. It is no discredit to the boys. The discredit is to those who are responsible for them during the sacred period of adolescence.

Their weakness, if it be such, is rather misfortune than crime. No responsible father or mother would want their boy or girl brought up in a home where there is swearing, drinking, licentiousness, deception, and fraud all around them; yet this is the environment and the life into which thousands of our city boys are thrust every year, largely because of their work in the streets. The best way to improve a boy is to improve his environment and add to his opportunity for good, and, so far as laws can accomplish this end, they should be devised and enforced.

#### COMPULSORY EDUCATION AND HOW THE SCHOOLS HELP.

There is no more important adjunct to the juvenile court of Denver than the compulsory school law and the aid rendered the court by the school officials. Colorado has one of the best compulsory education systems in the Union. The law, as it at present stands, is the joint result of the teachers' association and the juvenile court of Denver. It was fathered by the County Judges' Association of Colorado as being necessary to a perfect juvenile court system in this State, and without it, the child-labor law, and the assistance of the schools in its enforcement the efficiency and system which now exist in the handling of the delinquent-child problem in Denver could not well be maintained. A few defects still exist in the compulsory education law, which we sought to correct in the last legislature, and, having failed, will probably be able to straighten out at the next session. They do not, however, affect the work in Denver. They relate more particularly to the smaller school districts, in which school-attendance officers are not provided. Sections 1 and 4 of our school law have already been set forth herein. The following salutary features may be noted:

#### SPECIAL FEATURES OF SCHOOL LAW.

The common grammar school education (from the first to the eighth grade) is made compulsory as far as possible for all children between 8 and 16 years of age in some public, private, or parochial school.

The law applies to the entire State and not to particular districts. A child must attend school during the entire school year and not for limited periods, as in many school laws.

#### EXEMPTIONS.

The law is made elastic by the following exemptions: All children who have completed the eighth grade or are eligible to enter a high school in their district.

If over 14 years of age, where the child's help is necessary for its own or parents' support.

Where, for good cause, it would be for the best interest of the child to be relieved from the provisions of the act or where it is being sufficiently instructed at home by persons qualified, or where a reputable



physician in the district shall certify in writing that the child's bodily or mental condition does not permit of his attendance at school, he may be exempt during such period of disability.

The authority to pass upon such cases for exemption is vested in the superintendent of schools of the various districts, and, where there is no superintendent of the district, in the county superintendent of schools. The hearing may be had before this officer upon application for exemption; an appeal may be had to the juvenile court in which the district is situated without expense to the child or parent to exceed the sum \$1 for the filing and entering of papers and orders.

#### SCHOOL-ATTENDANCE OFFICERS.

Paid school-attendance officers are provided for. Denver has three, of whom Mr. John J. Smith is the pioneer and an officer of exceptional ability, having rendered efficient service to the schools of the city during the four years of his incumbency.

Truancy is regarded simply as delinquency and may be dealt with either under the juvenile law or the school law. The law is enforced in the juvenile court both as to children and parents. Parents may be fined \$1,000 and sent to jail for a year for inexcusable failure to keep their children in school. As a rule, small fines and sentences are sufficient.

#### PARENTAL SCHOOL.

Four years ago the legislature provided that the school board in Denver should build and maintain a parental school; that no child who had committed an offense against other laws of the State should be confined therein. The law limited this institution to the care of truant children. As a result of the probation system afterwards established, and the bringing in of parents and compelling them to shoulder the responsibility, truancy has been reduced to a minimum in Denver, and the officers of the juvenile court are all of the opinion that there is not at present sufficient occasion for the expense and maintenance of a parental school. The motives of the good people responsible for the parental school bill are not to be questioned. Their thoughtfulness was a little premature, but may bear fruit in time. I think it is well to let the law remain upon the statute books, as the time may come, as the city grows, when we may need the parental school, as it is no doubt needed in Chicago and some other larger cities. When the parental school bill was passed the juvenile court and probation system as now existing had not been devised, nor was it in contemplation, and, without it, we should no doubt have needed the parental school, as those who fostered it insisted, and as to which they were entirely right at that time and under the conditions as they then existed. We believe it to be more economical and

in accordance with sound principles to continue to hold parents responsible for the truancy of their children and place the habitual truants upon probation. When this method fails we generally find that the habitual truant is also an habitual thief (as defined by the criminal law), so that he could not be sent to the parental school under the terms of the law as it now stands. Money spent to improve the probation system and detention home is more practical and economical at the present time.

The Industrial School for Boys at Golden, however, under its present efficient management, differs very little from a parental school.

#### SCHOOL-LAW ENFORCEMENT.

Truancy leads to a dangerous form of idleness, deception, and disobedience in child life, and is, therefore, one of the chief causes of crime. We believe that the wisest economy that can be practiced by the school board for the benefit of the State is to rigidly enforce the compulsory school law. The juvenile court is under lasting obligations to Prof. Aaron Gove, superintendent of education, and Prof. C. E. Chadsey, his able assistant, upon whom was placed the important responsibility of administering that part of the school law incumbent upon the school board. A mere casual study of the relation of truancy to child crime, and, of course, criminality in general, should convince the school board that the superintendent of compulsory education is one of the most important officials they have to appoint. The enforcement not only of the compulsory school law, but of the child-labor law of Colorado, in Denver devolves largely upon him. The great tact, judgment, and discretion of Superintendent Chadsey in the first year of this important work under the new laws is worthy of especial commendation and can not be too highly appreciated by the people of Denver. Our laws have been made elastic to a certain extent in order to avoid abuses which might grow up under either a too rigid or too lax system of compulsory education and child-labor laws. The success of such legislation depends upon both of these features.

#### CHILD-LABOR LAW.

A child-labor law too stringent in its provisions, so as to lead to absurdities and force children into idleness, and therefore into crime, may become as dangerous as a lax law or no law at all upon this subject, because if impractical and severe in its terms, admitting of no exceptions or no discretion wisely vested in competent authorities, it might fall into disuse and disrespect and fail of enforcement and thus become practically a dead letter. Upon Professor Chadsey has also largely fallen the working out of the enforcement of that part of the law devolving upon the schools. It has been done through active and earnest cooperation between the schools and the juvenile court, where



the enforcement of this trinity of laws—namely, the juvenile law proper, the compulsory-education law, and the child-labor law—is centered in Denver. It has been a tremendous undertaking, fraught with difficulties that the uninitiated can hardly appreciate. We can not expect to achieve perfection, or even an entirely satisfactory condition, within a year. It is going to take several years of work and experience to put that system for which we are planning and working into that state of perfection which will equally satisfy both school authorities and the juvenile court. Patience and charity for any shortcomings on the part of either are more than earned and justified.

#### ENFORCEMENT OF CHILD-LABOR LAW.

The three paid school-attendance officers in Denver are the inspectors (by the terms of the school law) of all stores, factories, etc., as to compliance with the law. Officers of the humane society are also inspectors. With the assistance of the humane society and the district attorney a number of convictions have been had in the juvenile court for the violation of the child-labor laws, and the extreme penalty permitted by the law has been imposed in every case. The present conditions in Denver respecting child labor have been approved by a committee appointed by the Woman's Club, who have thoroughly investigated the matter and reported it as being as satisfactory as could be expected. It is far in advance of what it used to be in the old days.

#### CHILD LABOR AND COMPULSORY EDUCATION.

The child-labor law of Colorado vests a discretionary power in the judge of the juvenile court in cases of children between 14 and 16 years of age as to whether their occupation and the hours thereof are dangerous to health. No child-labor law can be as effective as it should be unless supplemented by a compulsory school law. The compulsory school law of Colorado is really as effective to prevent improper child labor as the child-labor law proper. Under its provisions (unless within some exemption) the child under 16 years of age must finish the eighth grade (the highest) of the grammar school (or the parochial school where the grades correspond to those of the public school), and it is very seldom that that class of children for whose protection the child-labor laws were enacted have finished the eighth grade. The schools of Colorado are in session from the first of September to about the middle of June of each year, and in nearly every part of the State. Section 4 of the child-labor law of Colorado is as follows:

SEC. 4. Any person who shall take, receive, hire, or employ any child under the age of fourteen years in any underground work or mine, or in any smelter, mill, or factory, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, and shall be imprisoned in the county jail not less than thirty days nor more than three months.

Section 1 of the same act provides that—

no child sixteen years of age or less shall labor or work in any mill, factory, manufacturing establishment, shop or store, or in or about coal or other mines, or any other occupation not herein enumerated which may be deemed unhealthful or dangerous, for a greater number than eight hours in the twenty-four-hour day, except in cases where life or property is in imminent danger, or in the week before and following Christmas Day: *Provided*, That any child between the age of fourteen and sixteen years coming within the provisions of this act may be exempted from the provisions thereof if, in the opinion of the judge of the county court (which is the juvenile court) of the county in which said child resides, it would be for its best interests to be so exempted. Application may be made in writing to any county judge (juvenile court) by any such child, its parent or guardian, to be granted such exemption, when it shall be the duty of such judge to hear the same and inquire particularly into the nature of the employment sought. No fees shall be charged or collected in any such case.

SEC. 2. All paper mills, cotton mills, and factories where wearing apparel for men or women is made, ore-reduction mills or smelters, factories, shops of all kinds, and stores may be held to be unhealthful and dangerous occupations within the meaning of this act, at the discretion of the court.

The penalty for the violation of this section of the act by employers is a fine of not less than \$100 nor more than \$500, or imprisonment in the county jail for not less than two nor more than four months, or by both such fine and imprisonment, in the discretion of the court, for each offense.

#### IMPRACTICABLE FEATURES OF CHILD-LABOR LAW REMEDIED.

The juvenile court was permitted to add an amendment to the present child labor law, which, in the opinion of the writer, saved it from defeat and gave us the present act in its rather unsatisfactory form. It is much better than the old law, where the age limit was 12 and the extent of the penalty was \$50 fine. The somewhat impractical feature of the law in forbidding children 16 years of age or under from working more than eight hours in a store or any possible occupation, has been eliminated by the discretion that now vests in the juvenile court to exempt those between 14 and 16 from its operation where it would appear to be for the best interest of the child. But for this amendment we feared the act would have been in many cases impracticable and might have thrust boys and girls into idleness and crime if there had been a serious attempt to enforce it. In fact, the governor would have probably vetoed the law if left in its original shape. There are a great many stores, shops, and offices in which it will not injure children between 14 and 16 years of age to work nine hours, the usual time for such industries to be open in Denver. The law should be amended to make more certain the penalties provided, as it now contains two rather inconsistent provisions, one of which was forced in the bill contrary to the wish of those interested in it.



## WORK AND PLAY.

I firmly believe in play and happiness in childhood, and yet I fear at the present time there may be more occasion in Denver for alarm at the failure of boys, in particular between 14 and 16 years of age, to do any kind of useful work than there is at the danger of their being overworked. After all, in such cases it is not so much a question of work as the kind of work and the time employed. One of the greatest difficulties with Denver boys, and I think with boys generally, is idleness. If not employed at some useful thing they are generally on the streets or in the alleys, the downtown public pool rooms and bowling alleys, engaged not always in wholesome play, but too often in the most demoralizing character of dawdling, idling, cigarette smoking, and dirty story-telling, with absolutely no thought of work or the serious side of life. They are too constantly occupied with thoughts of "having a good time" and some rather perverted notions of what a good time is. Too many of our boys thus reach the age of moral and legal responsibility without the slightest conception of work. They are too often more concerned as to how much they earn than as to how well they do their work. This is one of the features of work with boys and will be spoken of more at length under the head of "administrative work" of the juvenile court.

## WISDOM OF CHILD-LABOR LAWS.

We must not be understood as depreciating the importance of wise child-labor laws and their rigid enforcement for the protection of the children of the Union, but in enforcing this protection we must be careful lest we overlook the importance of work, the right kind of work, and a certain amount of work, especially good impressions as to the importance of work and the exaction of a certain amount of work as one of the most important preventives of delinquency.

On the other hand, it must be said that most boys will work if given any kind of an encouraging opportunity. The lack of this chance is more responsible for idleness than any disposition that way. Ninety-six per cent of our boys are forced out of school into life in the grammar grades. They must have a chance to earn a living or become idlers and loafers, sure beginnings of crime. Their education too often has not equipped them for earning more than the most scant wages. An opportunity between the sixth and eighth grades in our city schools for the children of the toiling masses to learn some kind of useful trade or valuable work with the hands would do more to prevent delinquency than any other one thing, in my judgment. A boy of 13 to 16 might then go to the plumber, gas fitter, or carpenter at a decent wage, instead of to the messenger service and the street.

## SUMMARY OF LAWS.

It will be seen from the preceding that by the juvenile-court system of Colorado is meant a number of things, to wit:

First. The act concerning delinquent children.

Second. The act concerning dependent children.

Third. The act holding parents and others responsible for the moral delinquency of children.

Fourth. The act holding fathers legally responsible for the physical support, care, and maintenance of children.

Fifth. The compulsory-education law.

Sixth. The child-labor law.

Seventh. The various statutes providing for the punishment of cruelty to children.

Eighth. That cooperation between officials whereby all of these laws for the protection of the children of the State are enforced in one court having a complete and unlimited jurisdiction to deal with every aspect of the situation before one judge, with a set of earnest and efficient paid officers for the enforcement of the laws. This court is called the "juvenile court."

Ninth. The active, persistent, and earnest enforcement of these laws.

Tenth. The administrative work of the court, the work with the boys and girls as well as for them, and their work and cooperation with the court.

## II.—ADMINISTRATIVE WORK.

Of more importance than the law is the administrative work, and under this title we shall deal with what is at the same time the most interesting features of the juvenile court.

First in what we have termed the "report system" has at the writing of this report been in force for nearly four years. The boys brought to the juvenile court of Denver, as will be seen from the chapter relating to our laws, must necessarily belong to one of two classes—schoolboys or working boys. Three-fourths of the boys in our court are schoolboys.

## TWO CLASSES OF BOYS.

Idling about the streets during school hours for boys 16 years of age or under is expressly prohibited by law. If, therefore, the boy is not in school he must be at work. Of course there are exceptional cases where a boy with good excuse is unable to get work or for some exception in the law is out of school. When a boy is brought to the juvenile court we ascertain his age, school, grade, teacher, neighborhood, and a few salient facts regarding his home and parentage. If for any reason exempted from school attendance, he is classed as a



working boy, and we immediately concern ourselves regarding his employment, the character thereof, the number of hours, etc. If he has no employment we make every effort to assist him to get employment.

#### GIRLS.

What is said about boys in this report applies generally to girls, but as there is not more than one girl to ten boys to be dealt with by the juvenile court we speak in this report rather of the boys. This must not convey the impression that the girls are neglected. Their cases are given the same careful attention, but in many respects present a more difficult problem than the boys.

Idleness is not tolerated if there is any reasonable way to prevent it. The "schoolboy," if a delinquent, is kindly but firmly impressed with his duty to obey the law, to respect authority, and obey first in the home and then in the school, with the assurance that there will be no likelihood then of his violating the law of the land. He is impressed with the idea that he must overcome evil with good and make up for his delinquency by being just as decent and good as he can in the home, the neighborhood, and the school.

#### WHY WE GET REPORTS.

Now, how are we to know of results? First, by our placing implicit confidence and trust in the boy (I shall speak of this more at length hereafter); second, by his giving some evidence of being worthy of this trust and confidence. We impress him with the idea that we have no doubt whatever that he will keep his word, that he will respect his honor and the confidence we put in him, and that no one will question his doing it, and that we may have a record of that fact we ask the boy himself voluntarily to get a report from his teacher every other Friday preceding the session of the juvenile court every other Saturday. This report is made upon a printed card and details conduct in school and school attendance. It is graded: Excellent, good, fair, and poor. It is soon understood that "good" is satisfactory, "fair" is passable, "excellent" is particularly pleasing to us, and "poor" is very displeasing. Any boy that brings a poor report at the morning session is made to understand that it is "not square." Very few people understand how the report system of the Denver juvenile court is operated, and I have never yet known of an individual who came to observe it who did not go away enthusiastic over the plan, though I have known some who had objections and criticism before witnessing its operation at the morning session. But after attending the court, these have been the most outspoken in commending it. It has the commendation of the school superintendents, school principals, and teachers of Denver. Of course there are some defects, and sometimes some mistakes and failures.

## REPORT SYSTEM DESCRIBED.

Now let us get an idea of the report system in operation. The number of boys reporting varies all the way from 100 to 200 during the school year. Every alternate Saturday during the school year we have what is known as "juvenile court day." This does not mean that it is the only day upon which juvenile cases are tried. On the contrary, there is hardly a day in the week when I come from the bench at 5 o'clock after a busy day's session of the civil court, which grinds almost continuously and is occupied generally with common-law cases, that we do not have a "5 o'clock docket," which means some child's case. These cases are heard in chambers around my table and a great deal of time given to each, the probation officer being present with his reports, also the parents and only those interested. On the particular Saturday mornings of regular "juvenile court day" only a few cases may be tried, yet a visitor would find assembled an average throughout the year of 150 schoolboys. At least 80 per cent of these boys are mere average schoolboys, no different from other boys; they have simply been caught in some violation of the law which was of a sufficiently serious character to be brought to the attention of the court for correction. Probably half of all delinquent cases are what we classify as mischievous cases. Not to exceed 25 per cent require extraordinary care and attention, or visitation of the homes by probation officers, or frequent special reports to the judge in chambers. They have been classified as nearly as possible into two divisions—"average boys" and "difficult boys."

The character of offense is also classified, as explained elsewhere herein. No girls are present. The girls have reported on the previous Friday afternoon. There are generally comparatively few girls whom it is considered necessary to have report. They have been taken in hand by the lady probation officer and talked to kindly and interestingly regarding their work in school. Quite frequently the judge also talks with these girls. None of these girls thus reporting have been guilty of anything involving their morality. Such cases are generally differently cared for. In the court room upon this Saturday morning counsel tables have been removed, chairs have been placed in the long court room, and it has the appearance of a school-room as far as possible. The probation officers are at the table provided in front of the boys. The judge does not occupy the bench. He comes down among the boys at the table immediately in front of them.

## SATURDAY MORNING TALKS.

At the opening of court I generally proceed to deliver a short "Saturday morning talk." It is made as spicy and interesting as possible. No effort is made to preach to the boys. I talk to them very much as if I were one of them discussing some ordinary boy's troubles, in illus-



trating a point or inculcating a principle. Their duties as little citizens are impressed upon them. They are often told that they are among the best boys in Denver. For the few exceptions we have the greatest pity and sorrow. Some of them have done things in the past that they despise as much as we do; they know that we do not despise the boys; they should not be afraid to be caught, as most boys are. They should be afraid to do wrong because it hurts them more than it does anyone else. We do not pity so much the man who loses his property or has been the victim of his act as we do the boy who committed the act. He is the subject of our commiseration. (After a wordy war with a certain captain of police once over what to do with five boys who stole five bicycles, I discovered the trouble arose over the difference between us. He was trying to redeem the bicycles. We were trying to redeem the boys. I told him that five American boys were worth more to the State of Colorado than the bicycles. He finally agreed with me. I had my way, and all the boys are to-day doing well and are promising citizens.) So we are there to help them, not to hurt them; to prove to the world that they are good boys, not bad boys. They must help us prove our faith. We can help, but we can not carry. It is impossible for them to be bad unless they will it so, and we know they are not that kind. Often I am compelled to tell them, with sorrow rather than with anger, of some boy too weak to do right, to keep his word, to be square, and with a hope that I may strengthen him to be square and to be strong, and, because I love him and not because I hate him or am angry at him, I must send him to the industrial school. I do this also because the law says I must do it. If a boy can not be strong enough at home to respect the rights of others and obey, we have to send him where he will learn the lesson. And then I will put it to the boys if So-and-so had been "square" in doing a certain thing, and if he is not an object of pity and his act an object of contempt, and, of course, there is a unison of affirmative opinion. And in some of the "gangs" of boys I have known them to absolutely outlaw a boy who went back upon his word and repeated an offense for which all of the members of a gang had been brought to the juvenile court. One case I have in mind was that of forty boys, every one of whom had come voluntarily to me and admitted their misdemeanors, under the direction, largely, of four or five boys who had been caught. Only one of them ever committed a second offense, and it was of a different character. I remember some of these boys were in my chambers one afternoon when this particular boy came in, and they absolutely ignored him. This happened over a year ago. It was only recently that this one boy, out of the entire crowd, who had repeated a serious offense, brought me a splendid letter from his teacher, saying that he was one of the best boys in school, in addition to which the boy told me "on the square"



that he had never been guilty of any other offense, and he wanted me to "square him" with the rest of the boys, which, of course, I shall be glad to do.

#### SUBJECTS OF THE "TALKS."

These Saturday morning talks are generally upon some subject that is close to a boy's heart and respecting his own world, the discussion of which keeps him in his own atmosphere, as it were, and does not try to lift him to a plane where he is not at home. For instance, a tattle tale is called by every Denver boy a "snitch." Every boy knows that if he tells on one of his companions he is outlawed. I think teachers often make a great mistake in compelling boys to tell on each other without considering the penalty to which the boy subjects himself in the world of "Boyville." It also very often tends to make a boy a little sneak and gets him the reputation of being a "knocker" or a "sissy boy." There may be times when it is necessary and proper to compel a boy to tell upon another. If so, it should be done in a way that will protect the boy.

The subject of the Saturday morning talk may be "Snitching: When to 'snitch' and when not to 'snitch.'" The boys are immediately interested. It is a common topic in Boyville. You have no trouble in getting their attention. There is no scraping of feet, uneasiness, and sliding about in the chairs, anxious to get out. They will listen long if you will only stay and talk to them. Under this title the boys learn, possibly for the first time, the duties of individuals toward each other and the State as citizens. For instance, that if one citizen saw another going into a store to steal, and knew he was going to steal, and made no effort to prevent it, he might be an accessory before the fact and as guilty as the man who stole. If after the theft it was learned that a second party had participated in the enjoyment of the ill-gotten gains, he would be an accessory after the fact, unless he informed upon the man. The result is that they all agree that in the particular crowd they belong to they will do all they can to keep other boys from doing improper or illegal acts, and then they will be "square" and tell him that if he persists in it they may have to "snitch" for his own good, that it is to keep him from becoming a thief or some day getting into jail, so that they can make the boy feel that it is because of their loyalty to him and because they love him and because they want to keep him out of trouble rather than get him into trouble that they "snitch." It may be readily seen with men as well as boys that if one stands by and watches his companions steal or afterwards participates in the fruits of the unlawful enterprise, and then turns informer, such an individual would be looked upon with scorn and contempt, and so we recognize the good, the loyalty, the really noble impulses after all, back of the rules of the boys on these questions, but which are sometimes, though not often, perverted and misdirected for lack of understanding.



The result of the Saturday morning talk is that there is a better understanding, and if you want to handle boys you must understand them and they must understand you. This is too often not the case. I have talked to the boys on the subject of "ditching." If they do not like a boy they make it disagreeable for him to run with the crowd, and when they do this they all say in Denver that he has been "ditched." "Cut it out" is a common expression among Denver boys. When boys are in the house at the table and with their parents and relatives or teachers and adults they will not, as a rule, use these terms, but with the boys they use nothing else in discussing such subjects.

#### SLANG TERMS.

I have been criticised for using these slang terms. I have repeatedly told the boys that they must use good English and not expect to use such slang terms; and they must be careful not to let the slang possess them; and I prefer that, in talking among themselves, they limit these terms to as few as possible. I believe this is preferable to trying to stamp out such things. It would be worse than useless to attempt it.

I do not believe there is one parent out of ten who has the slightest knowledge of the slang terms their boys constantly employ with their companions. Among boys a "jigger" (in Denver) is the boy who watches when they are up to some mischief. If anybody is coming they yell "jigger." The father of a certain boy from one of the wealthiest and most refined homes in Denver learned for the first time from his son, through my direction, that he had been in some serious trouble, as to which the boy had tried to avoid responsibility with me by saying he was the "jigger." He had used the term constantly among his companions for years, but the father told me that he had never heard it before and supposed it referred to some kind of a bug. The greatest encouragement to the free use of slang is to know nothing about it and make no attempt by wise methods to overcome it, or rather to see that it is limited. What man is there who did not use such terms when he was a boy?—only using different words to express the same meaning. I know I did. It is a good deal like boy nicknames. It would be foolish to try to prevent it; as a rule it does not hurt us; we get over it, and it can all be employed judiciously to get the confidence and interest of the boy. We have found, after four years' experience, that the judicious use of a few of their slang terms not only does not hurt the boy, but actually helps him and wins his confidence, and with such wisdom and discretion as may be brought to bear we shall continue, at times when it is deemed necessary, to talk to the boys to a certain extent much the same as they talk with one another. I do not think it would be a good thing for parents or school-teachers to do, and the boys understand perfectly

when I do this that it is not because of any habit or desire or intention to encourage it, but because of my sympathy for them in the rather different relation I occupy, and it gives me a hold upon many of them that I could not get in any other way. Again, it depends upon the individual who employs such methods. Some attempting this might do it so injudiciously as to work injury rather than good.

#### THE WORD OF CHEER.

After the Saturday morning talks the boys are called up in groups, alphabetically—no names are called out publicly in court. In talking, it is "Willie" and "John" and "Tom," and as they are talked to in groups of eight or ten there is no danger of getting the Willies and Toms and Johns mixed. If the report is "good," as over 90 per cent of them are, I always express my joy and satisfaction with a pat on head, a shake of the hand, a slap on the shoulder—turn to the rest of the boys and tell them what a bully fellow John is; that he is "one of the squarest kids that ever lived;" that he is a trump, and then when he has gone, to the delight of the other boys, I may recall him and say, "Johnnie, my boy, I told those people (referring generally to the complainants) that you were a good boy, and that you would more than make up for any mistakes you had made, and now you have shown me that I was right, that I told the truth; now don't you ever make me out a liar." Of course John's face is wreathed in smiles and the other boys just "tickled to death."

The juvenile law says that its purpose is to treat the child not as a criminal but as needing aid, encouragement, and assistance, and so the whole proceeding is as near as possible one of joy, and no boy is afraid, except to do wrong. It is not a question of leniency, as some mistakenly suppose. It is simply the best way to bring out, to encourage the good and suppress the evil. Of course there are sometimes disappointments, but where there is one this way there are ten the other way. I have in mind that six months ago a certain schoolboy who had been scolded, nagged, and whipped was brought to court and became a splendid fellow, obedient and ambitious under the report system. A boy rebels not so much against authority as ignorant authority. Of course there is firmness through it all, but the kind that commands respect and does not respond with hate. Again, particular cases vary this proceeding and make it a work of constant interest. I always tell some good point in a particular boy to the little group around me and it makes all the boys proud and glad. Sometimes it is how we got "the laugh on the cop" because Frank became good and "cut it out;" how we got the best of the school attendance officer because Tom kept his word with me and was on the square and stayed in school, as most of the chronic little truants do after they have reached the juvenile court and the reporting system.



## OBJECTION TO REPORT SYSTEM.

And yet I have heard people who never attended our court say that the report system in Denver is objectionable because it permitted boys to come together and because of association it was bad. If this remark was made to anyone who had habitually visited our juvenile court they could hardly have patience to do more than denounce it as nonsense. I do not mean to underestimate the importance of association. I have noticed that in the larger cities the boys of the juvenile court seem harder, as a type, than in Denver, and it might not work there. It depends for its success on many things and might not succeed in other cities as in Denver. Of course, there may be exceptional cases where association of this kind in Denver may have worked an injury on an individual boy, but the great advantages derived more than compensate for any such exceptional bad effect, and if we should abolish the report system because of association we should have to abolish all the schools for the same reason, for I know schools in Denver—and, of course, I know it is true in every other city—where there are from 50 to 100 boys who have committed thefts; where there are hundreds who swear and tell obscene stories, and others have been affected by it, and yet they are allowed to play in the school yards with other children and no one has suggested for this reason that we abolish the public schools. If this be a reason for abolishing the report system, then let us be consistent and keep them out of school, where association is constant, shut them up in hothouses, and have a race of "sissies" and "milkshops." We do not want to make a boy a "tough" on the one hand or a "weakling" on the other. Our aim is to make each individual boy strong enough in himself and in his own character to avoid the wrong and do the right, because it is right and best for him.

## DIFFICULTIES OF REPORT SYSTEM.

If a boy forgets his report on Saturday morning he must come back Monday at 5 o'clock, when the judge comes from the bench, and either see him or a probation officer. If he fails to report without good excuse he may be detained in the detention school over Sunday when he would prefer to be out at play. If the report is poor the boy generally gives an indication of sorrow and promises to make it better the next time. The list of these poor reports is carefully kept, and upon the next report day, if he has kept his resolution, there is a special word of praise, and thus his character is strengthened and the boy is subjected neither to anger nor violence. If it is poor a second time he is put upon some week-day "5 o'clock docket," which means a private interview with the judge when he comes from the bench. I take the boy into my chambers alone. I try to find out why he gets "poor." I learn all about his school life, what he thinks of his teacher. I listen to his own freely expressed explanations. I tell him

how anxious I am to have him "stay with me;" how I want to "stay with him" through thick and thin; how I want him to be my friend because I want to be his, and therefore that it is not square with his teacher or with me that he should continue to get "poor;" that I do not want to "send him up" to Golden unless he compels it, but this must be the result if he insists, etc. This often produces good results. Now, because a boy has a "poor" report does not mean that he has committed any serious offense; it simply means that he has violated some rule of discipline in the school which he promised to rigidly obey, as the good which would overcome the evil he has done.

#### HOW THE SCHOOLS WORK WITH THE COURT.

Some of the teachers in Denver will take a special interest in such a boy and when they do it helps us wonderfully. There are very few of the teachers who do not appreciate and enter into the spirit of the thing, but I am sorry to say there are some. Some of them regard it as rather an imposition to even write the reports, and I have had boys tell me, and on investigation have found it to be true, that the teacher would flippantly say they had no time to write reports. I remember one case where a teacher said that it was a nuisance to write reports for two boys in her room. It was not long before they were excused at her request. I did not think they should have been excused, but in order to test it I let them go, and within a month they were returned to the juvenile court. If the interest in those two boys had been sincere at both ends of the line this might not have happened.

By arrangement with the superintendent of compulsory education in Denver we have sent to the court on Friday afternoon, before the Saturday when the boys report, a statement from the principals of the different schools of the boys on probation, detailing their conduct and school attendance, so that we know Saturday morning at the meeting of the court just what the records are; but notwithstanding this each boy is made responsible to receive from his teacher his report and bring it in person when he comes to the court and present it to the judge, as he comes with a little squad under the letter of the alphabet with which his last name begins.

On the Monday morning succeeding juvenile court day, Mrs. Gregory, the lady probation officer, who sits at the desk and keeps the records and is in communication by telephone with every school in Denver, makes up the list of the probationers. This list is printed under the headings of the different schools in the city, arranged alphabetically. It is the probation list of the schoolboys reporting to the juvenile court, and for private circulation only among the principals of the schools having probationers. This informs the principals as to who the boys are in his or her school reporting to the court, and enables them to give special care and attention to those particular



boys. Very often, but not always, they demand and are entitled to more care, more patience, more attention, more sympathy, more love, and more firmness than the other boys. And where they are given this by the teacher it makes it easier for the court.

#### HOW THE "CAUSES" COME OUT IN THE GRIND.

By this grinding-out process, as these boys come through the court with their reports, we soon hit upon the weak cases, and then proceed with care and patience to ascertain the defect. Of course there are a great many causes that often contribute to bring about the results, and these will be treated under another head. We try to study that boy as a skilled physician would study his patient. The child is sick—not physically, but morally. Normally he is good. We have before us not a bad child, not a criminal. We have before us an individual in the chrysalis, being formed. We want to assist in the formation. There is really nothing yet to reform. It may be that the formation has been going wrong for years. It may have begun with lax discipline, weakness, and leniency on the one hand, or brutality on the other, in the home. If the trouble is in the home the parents are sent for, and long, earnest consultations are held in the judge's chambers. The probation officer may visit the home or take an interest kindly and firmly in order that the evil may be overcome. Very often the teacher is called in for consultation—a consultation more important even than those of wise and learned physicians over some physical ailment of the child, when everyone is ready to become a hero to preserve his life. His morals, his soul, his future as a citizen, and possibly a parent, are a great deal more important. If he dies, that is the end of our responsibility. If he lives, no man knows what may be the end of his influence, of his power in this world for good or evil; and so a morally sick child is of infinitely more importance, demands infinitely more attention, care, solicitude, patience, kindness, and firmness than a physically sick child. Of course both demand attention and care, but the trouble is in the past physical ailments have received all the skill, and moral ailments have not only been neglected, but brutally treated. It would be much worse to take a wayward child to some of the jails in which I have seen them, steeped in corruption, as the first step to correct their faults, than to take your sick child to the city garbage dump and leave it abandoned, alone, and unattended. So the juvenile court, when it comes to those cases that continue to report "poor" in this regular and systematic grind, puts them in our hospital or operating room, as it were.

#### THE PHYSICIAN AND THE COURT.

By this system physical defects are often found to be the cause of moral delinquency, and so we have a physical department in connec-

tion with the juvenile court. Johnny has been a stupid, dull boy, and brought poor reports. We find that his eyes are poor, his vision defective. They said he was "poor" or "bad" because no one knew; no one was interested enough to find out; no one cared. I remember well little Eddie, who was recommended for the industrial school because he was rebellious and had been suspended from school, and therefore went to the street and drifted into idleness and thence into crime; but Eddie came to this mill in the juvenile court and he was ground through with the rest, but he came out "poor." He was in the wrong hopper. We tried it again, and I discovered in a few hours' talk with him one afternoon that he was "strange and peculiar," as his teacher had declared, but she never divined the cause. Perhaps she could not. I sent Eddie to the doctor. He found that he had had fits when he was 7 years old, and the nervous trouble had returned in a different form at 12, and this was what made him peevish, bullheaded, and rebellious. Was Eddie to blame for all this? He was placed under treatment. At the end of eight months the teacher, who declared a year before—meaning well, of course—that there was no hope for Eddie this side of the industrial school, wrote a beautiful letter admitting her error and saying that Eddie was the best boy in the school. Here the two surgeons, moral and physical, had come together in the interest of the child, and their work was good and the results were good.

Sometimes the diagnosis from the physical department is "pure cussedness," even though the moral department may deny this and say, "weakness, misfortune, misunderstood."

#### SKILL REQUIRED.

It has been said that skill in evoking melody from the harp is as nothing compared with skill in arousing the nobler impulses of the soul and bringing out its most energetic faculties, and so we find very often an instrument so out of tune, so discordant, that there is no master to put it back where God intended it and where it was originally. If we have failed, perhaps some one else will not fail, and then perhaps that some one else can not be found. Too often we have not the time, because that time is demanded by so many cases. So we realize that there is a limitation to what may be done this side of the industrial school. It may be that the home is so bad, or so helpless, or that there is no home at all, and occasionally, for the sake of enforcing discipline and furnishing an example, a boy must be sent to the industrial school, but if there is a home that generally is the place for him, and the best fight is one when we can keep him there and correct him there.

#### THE TEACHER AND THE BOY.

I remember, during one school year, as a result of these talks with certain eight boys in chambers (who had brought "poor" reports), I



became satisfied that they hated their teachers. The man or woman who has incurred the hate of a child is a hopeless factor in its handling, as a rule. It does not always mean that because a boy is unruly or a teacher or parent fails, or that we fail, that we have incurred the hate of the boy. The failure may be attributed to entirely different causes, but we must try as best we can to find the true cause. There are many different causes and they vary with different cases and require the most careful study and earnest interest in every case. And so I became satisfied that the cause of the trouble in these eight cases was the antipathy between the child and teacher. It was entirely immaterial who might be responsible for this condition. The teacher may have been excusable, but not likely. The fault may have been entirely with the child, but not likely. The fact remains that there was hate and rebellion. Why was it that three of these boys had excellent reports right along the year before under a different teacher? I got those boys changed, shifted around to different schools, and, with one exception, each brought excellent reports until they were finally discharged. I believe the eighth boy would have turned out well under some other teacher, but at the end of the school year he finished the eighth grade, and he has been exemplary and satisfactory in every way in reporting as a working boy. He was discharged, after proving to be the best one of the eight. It has now been over two years since this experiment was made. One of the best of these boys I had—at the recommendation of the school attendance officer, the principal of the school, and others—actually committed to the industrial school (it was before the days of the detention school), and he had been placed in jail until the officer could take him there. I shall never regret the visit I made to the jail one Sunday afternoon and the changing of my mind and revocation of the commitment and the adoption of the plan of changing his school at home and not to Golden (where the State Industrial School is located).

#### THE ATTENDANCE OFFICER AND THE PROBATION OFFICER.

All of this work would be practically impossible without the report system. The principal of each school being supplied every two weeks with the names of the probationers, in case the probationers fail to show up in school it is immediately telephoned to headquarters of the juvenile court, and one of the field officers (the two men probation officers) would be detailed to look up the boy. Of course the time of informing the court depends upon the particular boy. The principal of the school might be so familiar with his home and have such confidence in the boy that he would assume that there was a good excuse, but if no excuse appeared within twenty-four hours the unalterable rule between the schools and the court is that it must

be reported at the probation office. In case of a boy who has not been to the juvenile court failing to appear in school the principal would notify the superintendent of compulsory education and one of the school attendance officers from that department would be detailed to investigate and report upon the case. The parents would first be warned by a notice from the attendance officer of their duty, and only in case the home failed to correct the faulty school attendance would it be brought to the court and turned over to the probation department.

#### REPORTS OF WORKING BOYS—EMPLOYERS AND EMPLOYMENT.

There are generally an average of about 30 working boys upon probation, brought in upon petitions filed by the probation officers. These cases are treated exactly as those of schoolboys, except that they are not required to report if it will interfere with their work. For their accommodation and convenience an evening session is held in chambers, at which the judge is often present, and those boys who can come are encouraged to come. The entire proceeding is then one of friendly inquiry as to how the boys are getting along, and it frequently happens that we learn much of their troubles, when a kindly word of advice or encouragement is given. It was difficult at first to get employers to see that there is really very little difference, with a few exceptions, between a boy who has been caught in some mischief or has committed some offense which makes it necessary to bring him into court and other boys. Where this is explained and understood we have been gratified to find on the part of many employers a disposition to give more encouragement, comfort, sympathy, and assistance to boys who have fallen into error than those who have not, or at least who have not been caught. If every boy in the city between 10 and 16 years of age was caught and proceeded against by the one whose rights he violates, or by some officer called upon to enforce the law for every offense committed, there would be very few who would escape the juvenile court. We therefore do everything in our power to abolish any distinction of mark or identity upon any boy who has been in the juvenile court. Of course there are a few exceptional cases as to which this rule might be considered questionable, but the purpose should always be to serve the best interests of the greatest number of boys who reach the juvenile court and who are, I repeat, no more or less than average boys, no better or no worse. I prefer to regard the matter in this light as to the majority of so-called "delinquents." The exceptional cases may be taken care of differently and yet in a way that will not do an injury or an injustice to the average case. And so we feel justified in the course here indicated; and the answer to any criticisms or doubt concerning it is simply this—that any other course would warrant more doubt, more criticism, and in the end work injustice in more cases. One great mistake that some



employers make is in thinking that if a boy recommended by the juvenile court fails to give satisfaction they should attribute it to the fact that he has been in the juvenile court, and classify all other boys similarly situated with him, and thus impose a hardship on a boy who has been in the juvenile court, which is without justification. If such an employer would only stop to think, he would find that, in his experience, other boys had failed to give satisfaction also who had never been in the juvenile court and who might—because of abundant energy and natural animal spirits, producing great industry when rightly directed, but bringing them to the juvenile court when wrongly directed—have given greater satisfaction had they actually been in the juvenile court.

Some of the manliest, best boys that ever lived have been in the Denver juvenile court. I say this not to encourage or to furnish an excuse for other boys coming there, but as more than justified for the protection of those who have been there; and I could at the same time properly say that some of the worst boys I ever knew have been in the juvenile court, and some of the worst boys I ever knew have not been in the juvenile court. What we should do is to foster, as far as possible, a spirit of charity in dealing with such matters, and at the same time not encourage thereby a spirit of indifference as to whether one does or does not become a charge of this court. Everything possible should be done to keep boys out of the juvenile court and to impress upon them the undesirability of such a result, and all of this can be done while at the same time we throw an arm of protection and a mantle of charity about those with whom the court must necessarily deal; because it is our duty in correcting the boy, for his good and the good of the State, to do him just as little harm as possible by the process, and yet secure the enforcement of the law and his redemption to good citizenship. We shall not do this if at the time of his correction we weigh him down and handicap him with difficulties that make his lot harder than it was before the court intervened in his behalf. Only where an employer seems to take an interest in the boy and we know it can do the boy no possible harm do we receive reports from employers, and it is never done without the consent of the boy. We do not want any boy to have the slightest occasion to feel that we find it necessary that he should be watched, and the report system, as it is conducted, is entirely free from any suggestion of espionage. Its true purpose in this respect has already been explained, and it is thoroughly understood by the boys and can not become offensive.

#### REPORTS DURING SCHOOL VACATION.

For schoolboys, during the summer vacation, we have "report day" once a month, when the boys give their own reports verbally and we take their word for it. If they have been in any mischief that

may be termed lawlessness, they always tell us about it, and I have had them mark themselves "poor," with a promise to do better—a promise invariably kept.

#### TIME OF PROBATION AND RULES.

We have no rules for the period of probation. It depends on each individual case, on the home, the neighborhood, the environment, as well as the particular type of boy. A great many things must enter into the case, and it would be absurd, in our opinion, to attempt to enforce definite rules. A boy from a good home, whose parents are amply able to enforce obedience and care for him after he has learned a sufficient lesson for a violation of law, may properly be excused after a few months of reporting if the reports are satisfactory. A boy from half a home or no home, bad environment, constantly beset by temptations, and surrounded by evil influences, might bring equally as good reports for the same period of time and yet not be excused. We have never had a complaint from a boy or the slightest suspicion of injustice aroused in their minds because of this condition. They are all well satisfied that what is done is for their good, and they appreciate better than might generally be expected all of the rules of the juvenile court, because they have been frequently spoken of to them in the Saturday morning talks. The court will not excuse a school-boy from reporting unless it is on the recommendation of the principal of the school. In case it is recommended, however, by the school principal, it then becomes a matter of discretion with the judge; and if not excused on such recommendation, it is usually because the judge and probation officers are familiar with some phase of the case of which the principal does not know, and because such refusal is considered for the best interest of the boy. This is duly explained to the principal, in order that no misunderstanding may arise. But such cases are very exceptional.

#### CLASSIFICATION OF CASES.

Anyone dealing with juvenile-court work must readily appreciate that the offenses of children, because of the various causes and motives actuating them, should be broadly classified, in order to be more intelligently dealt with.

##### 1. MISCHIEVOUS CHILDREN.

Probably the least harmful class of cases, and yet, sometimes, the most annoying and really dangerous, if permitted to continue, may properly be attributed to mischief, the love of fun and adventure. These things in child life are just as natural as hunger. It becomes necessary, in a city especially, where it is practically impossible to notify all the parents of those offending, and where a large number of them, if notified, would as indignantly deny the charge as their guilty



boys, to bring in many boys for what is innocent enough from the boy's standpoint, but often very serious from the standpoint of others. A few illustrations of this class of cases in Denver may be given. Hooking on cars, putting rocks in the switches to see the car "shoot the side track," wiring up the signal boxes at the terminals of the car lines in very respectable suburbs of the city, in order to be "shagged" (chased) by the conductor, or, as one boy explained to me, "to hear the motorman cuss;" jerking trolleys, greasing the tracks on the hills, occasional throwing rocks, eggs, vegetables, etc., at the passing tramway cars much to the delight of the boys and the discomfiture of the passengers; breaking electric-light globes, breaking windows, going into vacant houses and committing more or less depredation, playing ball in the streets down town, taking ice cream and other tempting edibles from the back porches of the neighbors, shooting "beanies" and small firearms in the city limits, etc. From the boy's standpoint all of this is fun and amusement. Yet they know it is wrong, and they are very careful not to get caught at it. These things are bad enough in themselves and are really the most prolific source of complaint from citizens. I have known boys of some of the best families, many of them having good fathers and mothers, who have become chronically engaged in deviltry of this kind, and often where efforts had been made through the school, with the parents, and with others to break it up without avail, it becomes absolutely necessary, for the example to other boys and in order to check it before it so blunts the moral sense of the boy that it becomes serious lawlessness or incipient criminality, to bring them to the juvenile court.

#### HOW THE HOME AND THE SCHOOL HELP.

We have corrected a great many of these troubles through the home and the school, without the direct intervention of the court, and yet there would be no limit to the juvenile lawlessness of this character if the boys were not sometimes brought to the court. In my opinion, while the homes and schools can do much, they are really powerless to entirely prevent this class of mischief, or keep it within bounds, without the aid of the court. It always has existed to a certain extent and it always will.

#### HOW THE CITY AND COUNTRY BOYS DIFFER.

In the country or in the country town, if the boy invades the watermelon patch or the apple orchard, the neighbor can inform the father and the father can deal with the boy in the cellar or the barn in his own peculiar way. In the city the situation is entirely different.

#### COURT NECESSARY IN MISCHIEVOUS CASES.

There are a great many neighbors of such delinquents, who suffer in their property and sometimes their person by these depredations.

They do not always care to take the matter up with parents. They may live next door and not know them. I have also known some kindly disposed neighbors to attempt this who were simply rebuked for their pains while the parents would take the side of the child instead of correcting him, and thus encourage lying and deception in the child, cause bad feeling in the neighborhood, and so make the case a great deal worse.

ALL TO BE TREATED ALIKE.

Again, the success of law enforcement depends upon treating all alike. In some sections of the city, where the population is more congested, among the poorer classes, the parents may be away at work with no one to look after the children except the attendance officer or probation officer, who already have more than they can do. Such parents, because of industrial conditions, really need help with their children. Often it is the case that the father has deserted the mother, and without the firmness of a father's care the boy is running out at nights with the "wild kids" in the neighborhood and the efforts of the mother are absolutely fruitless. It would soon cause a feeling of distrust for the laws and the court if this class of boys were brought to the juvenile court and another class, among parents and in neighborhoods more fortunately situated, were allowed to go without the restraint of the law. I know a certain boy from the slums who was arrested for stealing a bicycle. He sold the bicycle for sufficient money to treat the gang to ice cream. He knew that certain boys on Capitol Hill were taking ice cream from the back porches. He naively said to me: "Judge, if our neighbors were rich enough to keep ice cream on the back porches we wouldn't have to swipe wheels to get money to buy something good." The motives for both of these offenses were exactly the same. The methods of gratifying a natural desire for a good time were simply different because of the different environment. The treatment was entirely different. The poor boy who stole the wheel in order to get ice cream lay in a filthy jail for two weeks, charged with a penitentiary offense, and stigmatized and brutalized as a burglar, at the age of 12, while the boys who went on their neighbors' porches and took the ice cream from exactly the same motive were looked upon very much as the country boy who goes after his neighbor's fruit. Of course, the poor boy was wrongly treated. Forty others were differently treated and corrected without any jail and are all good boys now. The boy who was thus put in jail did not quit at all. It is simply an illustration of how the State, by its brutal, blind methods of treating these questions in the past, has made more criminals than it has ever reformed, and admonishes us of the necessity for more intelligent and sane treatment of such cases. Of course, such children should be corrected, but at the same



time they must be protected. In the juvenile court they are not charged with crime at all.

#### MISCHIEVOUS CASES EASILY CORRECTED.

For such offenses they are generally easily enough corrected. The court experience and realization of the restraining hand of the law, the lesson learned as to where fun ends and the law begins, is entirely sufficient; and while probably most of such city boys would become good men if simply left to home training, even without this court experience, yet it is certain a large per cent would not. No one knows what boys will make up this per cent; consequently all must be amenable to the law. We should make no distinctions. It is indeed the satisfaction of natural desires unlawfully among children that is the very inception of criminality, and if permitted to continue unchecked is sure to produce evil results. Several hundred boys from all classes of homes and parents in Denver (some our very best people) have been brought to the juvenile court for this class of offenses. Not one of them was ever returned for its repetition. At the Saturday morning talks I have often spoken to these boys of the danger of what I tell them is "having fun in an unlawful manner." I explain to them the rights of others and the respect they owe to the law intended for the protection of all and their duty as little citizens to keep their neighborhood clean and its reputation above reproach, to banish lawlessness from their midst, to be good boys, not "goody boys," and yet not rowdies and school toughs, which surely leads to lawlessness in the end, for which there is no excuse.

#### BOYS' BEST HELP IN MISCHIEVOUS CASES.

The boys themselves (as discussed in another part of this report) have done more to prevent this kind of lawlessness than the civil authorities in those neighborhoods where it has been worst and where we have succeeded in organizing the boys for law enforcement and decency.

#### 2. CHILDREN WHO ARE TOO WEAK TO RESIST TEMPTATION.

I have known some splendid boys, really good boys, from good homes, to commit an occasional theft, much to the surprise of their parents. This is often shocking, because of its infrequency and inconsistency with the life of the child. The boy naturally likes to have a good time. He wants to go to the theater, the natatorium, or the gardens with other boys who have spending money when he has none. I know a splendid type of boyhood as a good illustration of this. He comes from one of the most respectable homes in Denver. As a messenger from a certain store he was sent to another store with a package containing money. The business man was not in, and he

returned one or twice, and the oftener he returned the stronger grew the temptation to keep the money. He finally told a story to the effect that a lady in the office, whom he supposed was the stenographer, had told him to leave the package with her and he had left it. He told this story after a petition was filed in the juvenile court. The business man was sure that a certain lady, whom he suspected, had been in the office and had led the boy to believe that she was employed there, so suspicion was diverted to the woman. Everyone believed the boy's story, and I was requested to dismiss the case. I knew the moment I spoke to the lad that he was guilty. I told his mother and father so, much to their chagrin and almost indignation, for the boy had fine certificates of character from everyone who ever knew him, including his teachers, employers, and friends. I took the boy to my chambers and without a particle of proof described to him almost exactly what had happened. He promptly confessed to me the entire transaction, and subsequently earned and returned the money, and is one of the princieliest little fellows I know at this time. I know a number of such cases among children of the poor, where the boys have had an untarnished reputation and never have been guilty of any serious offense until overcome by temptations under trying circumstances. Such cases are not confined to children of any class. What such boys need generally is sympathy and encouragement and the kind of interest in them that will strengthen the character. I have always found them full of sorrow and genuine repentance. I do not recall a case where such an offense was ever repeated.

### 3. CHILD VICTIMS OF INCOMPETENT PARENTS.

Careless and incompetent parents are by no means confined to the poor. In fact, in my experience, the most blameworthy of such parents are among the so-called business men and prominent citizens.

#### TOO MUCH EASE, MONEY, AND GOOD TIME.

They seem to think their duty is ended when they have debauched the boy with luxury and the free use of money. They permit him to fill his life with a round of pleasure, and let him satiate his appetite without knowing what he is doing or whither he is drifting. They are too busy to become his chum or companion, and so he soon develops a secret and private life, which is often filled with corruption, and because of his standing or influence and money he may be kept out of the courts or the jails, but nevertheless is eventually added to society as a more dangerous citizen than many men who have been subjected to both. A captain of police in a large city recently said to me that he had investigated in six weeks 24 cases of embezzlement by young men in business houses, but, because they were of good families and the father had settled, no prosecution was had. A financially well-to-do father once said to me that he was too busy to look after his boys,



to be companionable, or take an interest in them. We have no more dangerous citizens than such men. This is too often the case. In the end, I believe such a man would profit more by less business and better boys. This man was rearing a son who would lead a profligate life, squandering the money he had accumulated, because of too much "business" to look after the boy. The idleness, ease, and corruption wrought in society generally by such boys and young men, and so the consequent suffering and misery, is infinitely more inexcusable, more general, far-reaching, and dangerous than that wrought by average thieves and burglars or the class of boys who are degenerated by opposite conditions, such as lack of nourishment and sufficient money to enjoy any of the common pleasures of life. Our most dangerous citizens are by no means confined to those who are or have been in prison.

#### BAD EXAMPLES.

Then there are parents who are intemperate, shiftless, or dishonest, and because of this condition and the bad example constantly furnished them the boys really have no home. Such children could hardly be expected to keep out of the juvenile court. Again, both parents are often absolutely unfit to have children, and if it were possible should have been denied the right or opportunity. Such cases are often extremely difficult to handle upon probation for the lack of any decent home influences.

#### LACK OF COMPANIONSHIP.

There is another class of really respectable and industrious parents, who mean well, who are firm, or, rather, stern and too often cross and grouchy, without sympathy or companionship for their children. They never allow them any money to spend, and deny them things that other children have. In other homes there is nagging and constant fault-finding, never seeing any good in the boy and unintentionally but positively stultifying the good that is in him and bringing out all the evil of which he is capable. There is the impatient, selfish, angered, or brutal parent on the one hand and the weak, vacillating, lenient parent on the other, and between these extremes many a boy goes down.

#### RAILROAD CASES.

Under the head of incompetent parents I would also group those cases which are, especially in the cities, of so much annoyance to railroad companies. It is a certain class of parents who are to blame. The children are encouraged to go upon the railroad tracks and steal coal from the cars. They find a certain justification in their poverty to do this; yet it is extremely blighting to the conscience and morals. Such children, even at a tender age, soon learn to avoid the special officer, and constantly have a "jigger" out to sound the note of warn-

ing when he heaves in sight. Thus they know they are doing wrong and are sustained in it by their parents, who, to their minds, are superior in every way to the detested officer. The next step is into the box car, the stealing of brass and other appliances which may be sold to junk dealers. Thus encouraged by their parents, what they do is from their standpoint perfectly legitimate so long as they do not "get caught."

#### PROOF THAT PARENTS ARE TO BLAME.

In the last eighteen months there have been brought to the juvenile court a great number of parents, some junk dealers, and others for contributing to the delinquency of this class of children, and while there were twenty-odd cases of brass stealing and similar depredations about the tracks and cars of the railroad companies during the first three months of the juvenile court of Denver, there has not been a single case of this character during the past eighteen months. This clearly demonstrated that the trouble was with the adults and not with the children, yet in most courts it is the children and not the adults who are brought in, with the result that the children feel that they are the victims of persecution, and the trouble is not diminished but continued with increasing bitterness and hatred toward the officers of the law, so that eventually the children often have no respect for officers or courts.

#### JUVENILE ANARCHISTS.

From this class are constantly recruited a dangerous type of juvenile anarchists. By bringing in the parents and putting the responsibility upon them, the parents are compelled to order the children to desist from such practices, and receiving their orders and instructions from the parents the offense is prevented and there is no hatred for the State. In this way incipient anarchy is checked. Until one has studied this question and observed the alarming number of such cases in the cities there can not begin to be any just appreciation of the tremendous importance of this one detail of the child problem.

#### 4. ENVIRONMENT AND ASSOCIATION.

These causes are of infinitely more importance, in my opinion, than all others combined, because they more or less involve them all. I know four boys who under other conditions might be princely little fellows, yet the handsome, blue-eyed one of 12, who would make a picture for an artist, will deliberately plan to get a drunken man into an alley and rob him of his money. These boys live in the very worst part of the city, where there are cheap dives and saloons of the lowest order. If you get their confidence they will tell you glibly about drunken men, and laugh and joke about it as a matter of course. They will talk of the respective merits of different dives, and tell you



of the fights they have seen there, and the boys whom they know who have been drunk because they purchased the liquor in these places. Many of them have witnessed shooting scrapes, and we only recently prosecuted men for selling them firearms. The result is they are constantly surrounded by bad examples. One of them goes to the saloon for liquor (or did before we began to prosecute the men who permitted them to come into the saloon) for others, though he may detest the stuff himself. He may not be a drunkard. Yet he already is a thief (to the criminal law) and a dangerous example of juvenile depravity. He is not so likely to be ruined by liquor as by the example of those who have been ruined by liquor. I have made a companion of this child, and in our walks and talks I have learned more than I could have from a book. This source of degradation and pollution to childhood is almost impossible to eradicate, but of course it is generally confined to that portion of the city where the population is congested and opportunities for association and observation of crooks and criminals is constantly present. The only hope generally is to lift the child out of it. Thus it comes that children from such environment are the ones most frequently committed to the Industrial School.

#### WHAT TO DO.

Under the Colorado law we try to improve this environment by impressing upon parents, citizens, and others a responsibility for these children, and so we have had in court a man who would send one of these children to the saloon as well as the barkeeper who filled the can. Children of this class are most likely to be those of real criminal tendencies. They have very little respect for men, because they have seen too much of the evil side of men. They have too often heard their father curse their mother or have seen him beat her. Profanity and obscenity is no longer revolting to them, because soul and conscience have been hardened to these things. They are too often sneaks and extremely deceptive. Anything is justifiable so long as they do not get "caught." I have found this class of children to be the hardest to appeal to. They are often apparently totally lacking in any sense of responsibility. There is no pride to which you can appeal. Kindness is too often looked upon as weakness. The truth is, their little souls are absolutely stunted, deformed. For such children the detention school offers little in the way of discipline. It is simply better than the jail, which soon loses its terrors. Yet some remarkable successes have been made with some of the worst of such children, and what I have said here pertains to such children as I have seen in crowded districts of other cities rather than in Denver, where we have fewer cases of the type here described. Yet I have sent a boy of this type to the industrial school alone, when I had feared that I might only excite his contempt and ridicule as I should

had I failed to arouse those nobler impulses of the soul which are certainly there, but so dormant, so paralyzed by environment and example as to seem almost incapable of being aroused. We should by no means despair of such a case. The object in removing such boys to the industrial school is to take them away from those sights which have made such base impressions until time and better influences shall bring about an awakening. I have known some boys of this type, after three or four years in the industrial school, to come out absolutely changed for the better and who are well on the way to good citizenship.

#### 5. BOY TRAMPS AND RUNAWAYS.

What we term the "moving about fever" is as sure to come in the lives of some children as the measles. I have observed that the great number of such children who come under my observation in the juvenile court are those whose homes are in the vicinity of the railroad yards, yet I have known some persistent little runaways who come from homes in the best parts of the city. The spirit of adventure, the desire to see the world, impressions coming to the mind from seeing the trains boom in and out of the city, the wondering induced as to the places and cities from whence they come and whither they go, seem to take hold upon the childish mind, and unless checked and controlled may add him eventually to the army of vagrants and tramps that infest the country.

I once tried a rather doubtful experiment with such a boy. He was an habitual runaway and eighteen months in the industrial school had not effected a cure. I succeeded in getting him to come and tell me when he was going to run away. He came one day as though possessed with a fever and said he must "take a ride." I deliberately gave him permission to bum his way to Colorado Springs on condition that he would go no farther and would come back within a week. I knew that he was fully capable of going to California or the Gulf of Mexico, whence he had often "taken a ride." Of course, I took chances, but I took an equally desperate chance if I returned him to the industrial school, which had already failed to cure the malady. The boy was as good as his word, and, after two experiences of this kind, now two years ago, he has ceased to be a tramp and is in every way promising. I know a splendid little fellow who has a good home and father—poor, but honest and industrious people. He very much prefers running away and sleeping two or three months in piano boxes and the "fans" of the big buildings down town to staying at home.

Perhaps other classifications of children's cases might be made.

#### CAUSES.

Among the causes of delinquency which should be carefully considered by those called upon to work with the child problem in cities may be mentioned:



## LAX ENFORCEMENT OF THE LAWS INTENDED FOR THE PROTECTION OF CHILDREN.

I believe that with few exceptions the police departments of the various cities are notoriously guilty of neglect in this respect, though a much better condition in this regard now exists in Denver than in most cities. This is largely due to indecent politics in the police department. An experienced police captain, for whom I have a high respect, declared as much to me. As he expressed it, when I asked him why it was that policemen would stand in front of a saloon and let the children flock in and out and see the sights they must see: "Why," said he, "they know nothing about it at headquarters, and the officer is expected to bring in his precinct delegation at the next convention and he needs the help of the saloon keeper to do it. If he does not do it, he is liable to lose his job, and so the saloon keeper is the boss of the policemen." I have had boys ask me if the policemen let the saloons remain open all day Sunday when it was against the law, why they could not steal things. If those who are called upon to enforce the law set such examples, what can we expect of children? One good example in a child's life is more important than all the preaching he can hear.

## DIVORCE, DESERTION, DRINK, AND, OF COURSE, DAMNATION OF THE HOME.

Every child born into the world starts as an irresponsible being. He has the divine right to be trained in the way he should go, and the persons who should do this are the parents. I believe that over half of the children brought to the juvenile court for offenses other than those denominated "mischievous cases" are practically homeless—that is, there has been a divorce or desertion in the family and the child has been denied his birthright. The result is the child must suffer and the State must suffer.

## CASES CLASSIFIED—CAUSES CONSIDERED.

The officers of the juvenile court have dealt with the children coming there with due regard to all of these important questions, and the best success of this work will depend largely upon a complete understanding of their relation to the particular case and a due regard for the classification and causes herein referred to in order that the case may be intelligently and wisely treated.

## BATHS AND LITERATURE.

In the basement of the court-house, adjoining the boiler room, is the bathroom, about 20 feet square. Attached to the ceiling of this room are long pipes extending from one end to the other, with a cement pool in the middle. The effect is what is known with us as a "rain bath." We especially encourage those boys who have no such facilities in the home to go through the bathroom, and upon every

juvenile court day from 50 to 100 boys take the shower baths. In the Saturday morning talks I like to speak in special commendation of these boys. It is really the only chance that many of them have, and it is our intention to urge upon the school board that they supply similar baths in the schools situated among the homes of the poorer children.

The American Boy and Young Americans and Success are distributed among the boys each month, and no juvenile court boy, who is "on the square," will take these things and read "dime (now two for 5 cents) novels."

#### THE GANG.

Thomas Carlyle said somewhere that there is a gregarious or sheep-like tendency in mankind to flock together and have a leader. I believe that it is now generally recognized by all students of boyhood that the gang spirit is more or less a natural instinct that should be wisely controlled and directed rather than suppressed. As judge of the juvenile court of Denver during the last three years there has been no feature of what to me has been a very interesting experience that exceeded some studies we have made of the gang, for the gang must be studied to be understood. Gangs are either good or bad, but it is the bad gangs that contribute so much to bringing into court a certain class of cases that are quite typical. It is not uncommon for the probation officer to be face to face with the mischief wrought by the "Dirty Dozen" or "Noisy Nine." Often we have found in these gangs the tribal instinct that began too far back in the past to even try to define. The gang has its good as well as its bad qualities. These have been often discussed. I shall only attempt to refer to the gang qualities as we have had to deal with them in the correction of wayward childhood.

The Twenty-second Street Gang may have its wars with the Thirty-third Street Gang, and the Battle Ax Gang may continue its efforts to exterminate the Horse Shoe Gang (named after their favorite plug tobacco), and whatever may be the result of the battle as between each other the results of the conflict seldom reach the court. If the opposing gangs do not settle their own troubles one way, they will in another without appeal to outsiders. It is when the gang comes in contact with the rights of citizens that the trouble begins. Left to itself, the gang has many good qualities. Who has not observed the loyalty of its members to each other? Who has not observed its rules and laws, founded generally on really ennobling instincts, which seem to control its very existence—laws as binding and effective on a boy's conduct toward his mates as any which control our own conduct? For instance, it is the unalterable law of the gang "thou shalt not snitch" (tell on one another). When the gang or some of its leaders or members get into court, which they frequently do, you are going to be compelled to a certain extent to respect its laws if at it



to respect yours. The police department and every other civil authority for the suppression of crime has too often been compelled to acknowledge the shocking number of depredations directly chargeable to the gang. In my experience nine-tenths of such offenses are rather the result of misdirected energy, thoughtlessness, and a certain uncurbed exuberance which is a part of the life of every boy. It often finds expression in individual boys through the gang and would never be thought of or felt but for the gang. There is often a certain wild, uncontrollable energy let loose when individuals are congregated together.

It is that spirit of the mob which urges the individual when collectively engaged to do things which might be even mad and unthought of to the individual alone. It promotes and sustains a spirit of daring that at times will break out in depredations or acts of violence, for which each individual member thereof is responsible before the law; yet had the individual been left alone, uncontrolled by the spirit of the gang, he would have escaped entirely. How often a boy, looking for some excuse for his delinquency, will resort to the subterfuge, "All the kids were in it;" "So-and-so proposed we go on the back porch for the ice cream or the turkey, and before I thought we were all there and away again." It is all well enough to treat such excuses lightly, but after all, from one standpoint they carry more justice than we are inclined to concede. I have not a particle of doubt that the individual child very often would never have committed the same offense if alone, or even with his chum; but for this and other reasons the boy is not as a matter of fact a thief or a burglar. He is the victim of an instinct which, however wild, is nevertheless natural. It is perfectly natural that he should flock with his mates, that he should follow the leader. He is going to do this in most cases without stopping to reason why, and if he does stop to reason why he is mighty likely to capitulate to the taunt that he is a "sissy boy," a "coward," or "has no sand." It is all very easy in our world, forgetting as we sometimes do the boy's world, thinking only of our laws and denying any excuse for the existence of his laws, to scold, criticise, or abuse the boy. Of course the gang must be corrected, curbed, and controlled, but when the officer succeeds in catching its one hapless member, if we are going to do justice we must recognize the instincts here referred to as well as the laws and rules that control the gang. We can do this and at the same time most successfully correct the boy. You are going to make very little headway unless you bear in mind that it is the spirit of the gang and the gang itself that most needs correction rather than the unfortunate boy who was "pinched." Of course the individual boy may in some cases be successfully corrected without regard to these things, but more success will be had if they are recognized. In school or out of school, when the gang has made trouble and somebody is caught we



must be sure that in correcting the one who is caught we do not so offend the natural and justifiable laws of Boyville that at the same time we are helping more to make sneaks and traitors.

HOW THE CASE AGAINST THE CHILD MUST BE JUDGED.

Every case against a child, then, must be judged more from the standard of the child than from that of the man. It must be judged more from the standpoint of certain well-recognized laws and rules that control child life than from those that should control the lives of adults. In the juvenile court these two worlds meet, as it were; harmony prevails, and the case is viewed with due regard to each. No one can seriously expect a street boy of 12 to respect the law intended for the protection of the fruit vender in the same way that we have a right to expect the adult to respect a law of no higher sanctity or binding effect for the protection of the banker or the merchant in the possession of his money or property. Yet, not technically, but positively, the law has to a large extent exacted the same respect from each, the same penalties for a lack thereof. The jarring and jangling we all admit as a result of such a condition in the case of the child is simply because we attempt to judge entirely different conditions by exactly the same rule. You might as well expect to successfully treat every disease by the same remedy. You might as well expect to cure a child, even though afflicted with the same illness as an adult, with the same doses, the same diet, and the same general treatment. I am perfectly aware that children (I refer to those under 17) are capable of committing and in the large cities are constantly committing shocking and surprising offenses, often showing a cunning and an intelligence that would match that of the adept adult criminal. It simply shows that precocity in childhood may be for evil as well as good. I have handled a number of such cases and spent many hours in their study. I believe in every such case there is a cause for the effect, a reason for the result that is not far to trace in the majority of instances. However bad exceptional cases may be, they can not affect the method here suggested for more intelligently dealing with juvenile offenders.

Not only must the general rule in dealing with such offenders be different from that in dealing with adults, but to achieve the most success we must carry the proposition further for the same general reasons, and deal with every case rather from the standpoint of that particular case than from that of any law.

HOW THE JUVENILE COURT WORKS WITH THE BOYS AND THE BOYS WITH THE COURT.

No feature of the juvenile work has been more beneficial than the work with the boys. As an illustration of how the work is carried on, one or two cases will suffice. Take a mischievous case: Certain



boys had been putting rocks in the switches and upon the tracks of the city tramway. The result was several cars had been ditched and the lives of passengers endangered, much to the annoyance of the company as well as the traveling public, and really greatly to the damage of the morals of the boys. After much effort, four or five boys were caught. These boys were brought to my chambers by the officer. I explained to them that I wanted to relieve the officer and have them take the matter up and help me to stop it.

#### ELEMENT OF INTEREST IN A BOY'S LIFE.

Of course, their interest was immediately aroused, and interest is everything in a boy's life. It is the reason why he plays so much harder than he works, as a rule. In the one case he is interested, in the other he is not. So we work upon this principle. It was "interest" largely that started the lawlessness, and now it should be the thing to break it up. The only difference is the channel in which it is directed. These boys were soon made to understand the danger of fun that is really lawlessness. I soon found out that they knew other boys who were doing the same thing, but who had not been so fortunate as to be caught. I did not let them tell me the names of the other boys. I asked them to go to the boys and ask them if they would not come to see me at my chambers and become my friends and helpers and spare us all the disgrace of having the policemen on their trail. The other boys soon got interested and were really anxious to come. They want to be in the game, and then gradually they all get together, and then comes the "snitching bee." By this we mean that every boy in the court around my table in chambers, when no one is there except the judge and the boys, tells on himself, and in telling on himself has permission from the other boys to tell the whole thing, including the names of those present who are "in it." What one forgets the other remembers, and they soon vie with each other as to who can tell the most and who has been the worst. This is in no spirit of boasting, however. The fact that I know personally, as judge of the juvenile court, every one of those boys and every misdemeanor in which he has been engaged, ditching cars and everything else, puts the judge in a powerful position with respect to the boys. Of course, they agree among themselves to stop the lawlessness, and everybody consents that the boys not only can but it shall be their duty to "snitch" (tell) on a boy who repeats the offense. This is done for the sake of the neighborhood, for the sake of the school. Every ennobling instinct of loyalty and pride (generally a predominant characteristic in boys) is brought to bear in behalf of law and order, and the result is that the trouble that was chronic and of long standing is broken up, and I have yet to know of a single case, after three years of work of this kind, where a boy was brought back for

a second offense of the same kind. They have been loyal and faithful and the entire police force of Denver could not begin to have accomplished, by arrests and incarcerations, one-half that the boys themselves have accomplished in the suppression of this kind of rowdyism and lawlessness. All that is necessary is to catch two or three of the culprits, and if you understand the boys and the boys understand you the rest is not only easy, but absolutely a joy. It is great fun both for the judge and the boys. It is really more fun to "stop it" than it was to "do it."

#### HOW BOYS ENFORCE THE LAW.

In a certain suburb where the smelters are located and there are a great many cheap saloons selling bad liquor and tobacco to children two celebrated gangs brought to the juvenile court for dangerous forms of rowdyism and lawlessness not only completely suppressed every serious, objectionable feature among themselves, but also got after the men who were selling liquor and tobacco to boys, prosecuted, and sent several to jail, and did more to stop the use of tobacco and liquor among boys in that neighborhood than the police department or civil authorities had done in the history of the town. In fact, the boys in the juvenile court of Denver we can say without hesitation and without intending any reflection upon the civil authorities or police department have prosecuted and convicted more men for selling liquor and tobacco to children, for selling them firearms, junk dealers for purchasing stolen property, men for circulating immoral literature, in one year of the juvenile court than the entire police department, sheriff's office, and all other civil officers combined have done in twenty years. It has all been done "on the square." The boys have been cautioned that they must never entrap anyone, and they have never received a cent but the commendation of others and the satisfaction of having become "good little citizens." It is not an infrequent thing to have a boy come to my chambers and tell me that Mr. —— sold Johnny So-and-so cigarettes or liquor and he would like to file a complaint. Recently a little fellow of 12 came to me joyously and said: "Judge, old Mr. ——, that runs the drug store on our corner, sells cigarettes, and Johnny B. went in there to get some and old Mr. —— got furious and said, 'You little rascal, get out of here just as quick as you can. How do I know that some of those kids out there don't belong to that juvenile court, and they will have me hauled up there to pay \$100 for selling you a nickel's worth of tobacco. Get out of here and don't you ever come back again.'" Old Mr. ——'s discretion was as wise as his fears were well founded.

#### GET THE TRUTH.

Above all things get the truth. Never let a boy get away from you with a successful lie in his soul. You have battle if you do.



I have had several street boys tell me, after a struggle to get the truth, how "game" I was to win out. Most of them are conquered right there. Some officers, teachers, and others will tell you most boys in delinquency lie. I could tell you the same thing in a way. As a rule it is not the boy's fault, and I do not consider him a liar. Often parents can not admit it is possible for the boy to be guilty of the offense. They are too willing to encourage his denials. There is pride to be mortified if he is guilty. The preservation of the pride from mortification is too often more important than the preservation of the boy's morals, and the sensible view is not taken. Again, there has not been companionship sufficient, or little confidences have been neglected, so that frankness and candor that always yield the truth are likely to be absent, or if present it may be in dread of meeting a "licking" instead of sympathy, love, and the right kind of correction. But to get the truth go at a boy right, allay his fears and the discords in his soul; make him see it is to his interest to tell the truth, for he is entitled to be made to see all this if we are fair. If we do this, I have found him the most truthful creature in the world. Is not this rather the true and fair test? Is not self-preservation the first law of nature? Make it to his interest to tell the truth. If he is to get a "licking" or expulsion from school for telling the truth, and if he is a natural creature, he is mighty likely to lie. We need patience and intelligence in dealing with such delicate matters.

#### LEGAL TECHNICALITIES AVOIDED BY THE JUVENILE COURT.

It will be observed that we pay very little attention to the rules of evidence. The whole proceeding is in the interest of the child and not to degrade him or even to punish him. We do not protect the child by discharging him because there is no legal evidence to convict, as would be done in a criminal case when we know that he has committed the offense. This is to do him a great injury, for he is simply encouraged in a prevalent opinion among city children, and adults also, for that matter, that it is all right to lie all they can, to cheat all they can, to steal all they can, so long as they "do not get caught," or that you have "no proof." We make the boy understand that it is for his interest to get caught if he has committed an error, and, unless demanded (and it never has been in a single case out of about 2,000), we pay absolutely no attention to the rules of evidence. We get the truth and we are always sure we get the truth and nothing but the truth.

#### WHERE THE CRIMINAL LAW FAILS.

Let me illustrate: Recently two boys from Capitol Hill, the best residence district of Denver, according to the value of real estate and the material magnificence of homes, were brought to me charged with stealing a watch. There was absolutely no evidence against

officer and told him that he should take him to jail until he could make up his mind to tell the truth. I have, for certain reasons, always regretted this. He had not gone a block with the officer when he expressed a desire to return. He came up to my table and put out his hand and said: "Judge, that is the 'gamiest' fight I ever had, and you have 'won out.' I lied like a horse thief. I hope you will forgive me." This boy was one of the toughest specimens ever brought to us by the police department and I was interested in the fight. I remember in the course of our talk I told him that from certain things Sherlock Holmes would have made certain deductions. I had interested this boy in reading Doctor Doyle's detective stories, because when I first got hold of him he had confided to me his ambition to be a second "Tracy, the outlaw." I hoped he might in the end change his ambition and become a good detective, and he replied to my deductions that if I thought any such thing that Sherlock Holmes was a bum detective. After I had won the "gamiest fight he ever had," he added: "And I will tell you, Judge, I want to apologize to Sherlock Holmes." Among other things, this boy had lied to me about his knowledge of the whereabouts of another dangerous character among the street boys. I had occasion subsequently to ask him a similar question and he promptly replied that he knew where the boy was but felt that it would be wrong to tell. Whereupon I promptly agreed with him. In forty-eight hours, and about 10 o'clock at night, he brought this boy to my house, and as the boy was a fugitive from justice under a sentence to the State reformatory, he said that he had made up his mind that I was so blanked "square" that he was ready to take his papers and go to Buena Vista (where the reformatory is located). Of course, I had not the heart to take up the proposition, and the young fellow is now working in the city of Denver.

Such are some of the results of the struggle for truth.

#### TROUBLES OF CHILDREN.

Few people have any conception of the number of children who come voluntarily to the juvenile court for help, both moral and financial. Recently a certain little Sam, aged 12, who sells papers and attends the newsboys' meetings in the old court room, came to me one evening to say that his mother could not do anything with his little brother of 10, and he wanted me to help. Sam is a manly little fellow, and it is half pitiful and half amusing to observe that mixture of maturity and childishness expressed in his talk to me. He was as near a father as he could be at the age of 12. I told him to send Willie up at 5 the next day, and promptly at 5 o'clock Willie came, saying that he had never seen me before but had heard of me. He came all alone. He looked rather sheepish, and it was not long before he told me all of his misdemeanors and promised to come and see me



once a week until he could be really good and "cut out" all of the bad things he had been doing down in the street. Sam now reports that Willie is all right.

#### NOT AFRAID TO BE CAUGHT.

One day, at the close of a busy session of the civil court, I noticed a little fellow sitting back in the court room all alone. I called him up to the bench. I had never seen him before. His reticence at first was the result rather of shyness than of fear, and, with tears in his eyes, he told me that he was 10 years old, that his father had deserted his mother, and that his mother had gone away and left him; that he was living with a good lady, and that he had been "swiping" things for a long time, and some of the kids had told him if he kept it up the "cop" would get him and he had better come and tell me all about it, and I would get him out of trouble and help to make him good. This little Clifford was placed on probation. He brings good reports, and it seems to delight him immensely when I tell the group of boys, as he comes up to hand in his report, how he was not afraid to get caught and how he has "cut it out."

#### HOW THE BOYS REGARD THE COURT.

Only last week we found the following among the troubles of children: Johnny G., who works as bell boy at a private hotel, spilled some ink upon the floor. His employer deducted \$10 from his pay. He had no money to employ a lawyer, and, but for his confidence in the power of the court, fear of losing his position would have sealed his lips. He came and told his troubles freely, and it will be settled fairly and justly, and he will not lose his place. Another working boy has complained of damage to his wheel. It will be investigated, and if justice is upon his side, he will get justice. Only recently a poor boy came to see me, complaining that a man came and took away his wheel, claiming it had been stolen. The probation officer was immediately dispatched to investigate the case, with the result that the man returned the wheel and apologized to the boy because he had made a mistake. A glance at the monthly reports of the probation officers will show the enormous amount of work of this kind done, all of which tends to make these children respecters of the law and teaches them to look upon the State as their friend and protector and the juvenile court as a place where justice is truly meted out and everything that is done is for and not against them.

#### EMPLOYMENT BUREAU.

✓ A glance at the probation officer's report will also show the enormous amount of work that is necessary to help city boys obtain employment of the right kind. As shown before, we make no distinction between boys who have been in court and those who have not.

been in court, so that it is so well known that because boys come around the juvenile court it is no sign of wrongdoing that it relieves the place of any stigma or odium which might otherwise attach if a different spirit were fostered in the work.

#### VISITATION BY PROBATION OFFICERS.

We believe that paid probation officers, because of the very fact that it is their duty, can visit homes where necessary with much better effect than voluntary probation officers, especially where such officers lack the tact and judgment necessary in such cases. Upon the skill, tact, and diplomacy of such officer depends much of the success of the court. A voluntary officer is sometimes looked upon as an intermeddler and not received with the consideration which the office should command. We have no voluntary probation officers in the juvenile court of Denver, although from time to time in exceptional cases the intervention of several of our friends has been of special value. The services of a wise, discreet, and tactful probation officer are of inestimable value.

#### PARENTS' MEETINGS.

Parents of the boys are frequently consulted by the probation officers, and, if it meets with general approval, it is proposed during the next two years to have meetings of the parents of all boys reporting to the court, in order that harmony and cooperation between the court and the home may be promoted.

#### SCHOOL PRINCIPALS' MEETINGS.

At the close of the last school year the principals of all the schools in Denver were invited to a meeting at the juvenile court to discuss the juvenile work from the standpoint of the schools, in order that we might receive suggestions for the improvement of the work and any friendly criticism as to where it was weak, the officers of the court feeling that there were a number of weak spots because of lack of help and facilities and as perfect cooperation as could be wished in several particulars. Some 30 principals attended, and all expressed themselves as being more than satisfied with the progress of the work, and, though freely invited, no criticisms were offered. The school-attendance officers, the school-teachers, principals, and superintendents are acting in perfect harmony and cooperation with the court. The court is only too glad to have the principals and school authorities speak freely of any mistakes they observe, and every effort will be made to correct them. The officers of the juvenile court do not consider the system as by any means perfect, or even as satisfactory as they could wish and intend it shall be, so far as it lies in their power, with the facilities and machinery provided. It is the desire of the court during the coming school year to have an occa-



sional meeting of the principals and teachers of all those schools having probationers, in order that the best methods may be considered and cooperation and harmony between the two departments promoted and continued as in the past.

#### INCREASE IN JUVENILE DELINQUENCY.

The first few years at least of any juvenile court is almost certain to show a marked increase in the number of children apprehended. There are two principal causes for this: First, people in various neighborhoods who are the victims in property or person of lawlessness, or organized gangs, in the old days found it generally useless to appeal to the police authorities, because those authorities were almost as helpless as they. If the culprits were arrested the police department could only put them in jail or subject them to some treatment, the tendency of which was of doubtful value, or allow them to go without restraint beyond a reprimand, which sometimes was an indication of weakness that often encouraged rather than discouraged such lawlessness. So serious cases were often allowed to go without restraint or attempted correction. It being now generally known that there is a forum better equipped for handling such cases, not only are the serious cases brought to the court, but there is a disposition on the part of a great many people to rush to the juvenile court with children's troubles that are really trifling and should not be dignified with notice by the officers of the court. It is sometimes hard to draw distinctions. To avoid this as far as possible, the probation officer carefully investigates complaints made and settles many cases in the homes with the parents, with the result that the complaining victims of such lawlessness are spared the mortification of a more formal proceeding, and saved the expense of filing court cases and the trial thereof.

#### CHILDREN BETTER CARED FOR.

A second reason for an increase in such cases, as already indicated, is the fact that both dependent and delinquent children are better looked after, cared for, and protected and corrected because of the interest of the officers and the machinery provided.

#### HOW THE CASE GROWS.

I have a rather interesting and actual illustration of this in the case of two boys caught in the dry goods stores downtown stealing small trinkets. These two boys were brought to the judge's chambers by the officer apprehending them. By getting them interested they confessed all of their misdemeanors, and, in answer to my question, assured me they knew of other boys doing the same thing.

## THE SNITCHING BEE.

In the "snitching bee" (to "snitch" is to tell) conducted in my chambers around my table, after the boys became friendly, they did not tell the names of the boys they knew to be doing the same thing, but they went back to the school and within the next day or so returned to my chambers with 16 more. These 16 boys, from a very respectable school in a respectable neighborhood, returned to me some \$20 or \$30 worth of stolen trinkets, principally agate marbles, leather purses and bags, which they use for carrying their marbles. They voluntarily joined the delinquent list of probationers. Every single boy who was "in it" was thus brought to the juvenile court, whereas, under the criminal law only the two who were caught would have suffered the penalty and the remainder would have been encouraged not to get caught, without the more important lesson to fear to do wrong. But this was not all.

## HOW THE DRAGNET WORKS.

As everybody was anxious to tell all their misdemeanors, we undertook to find out as far as we could the causes of the troubles, and, in the case of every boy, to correct as far as we could any shortcoming in his environment which might tend to his degradation; so every boy who had been in the saloons or bought cigarettes was called upon to tell about it, not in any boasting way, but in order "never to do it again." And those who had sent them to the saloons and the men who had furnished them the liquor or tobacco were found out. The result was that several mothers and fathers were added to the list; and so the case which started in the juvenile court with 2 little culprits and would have there ended in the criminal court, jumped from 2 to 22 men, women, and children. Their faults were corrected, and not one of these boys has ever been committed, because they have given up their bad habits under the influence and direction of the court, aided by the enforced responsibility of the parents.

Another most interesting case of this character was one where the party caught numbered 4 and these 4 rounded up 44 others. In another case the party caught numbered 6 or 7 and these rounded up 52 others. It has been about two years since any one of these happenings, and in none of the cases so far has there been either a complaint against any one of the boys involved or any other boys in the same neighborhood because of a repetition of the offense. Surely, therefore, the increase in numbers brought to the juvenile court under a system like this would be no indication of an increase of juvenile lawlessness or juvenile depravity, but, on the contrary, the healthiest possible sign of the fact that it was being better handled and better coped with, with the assurance of an ultimate decrease of such offenses.



## A POSITIVE DECREASE IN JUVENILE OFFENSES IN DENVER.

It has been the occasion of frequent remark among all the officers connected with the juvenile court that we do not begin to have the number of cases and certainly not such serious cases of theft and burglary and stealing from the railroads as were very common in the early history of this court. Mrs. Clark, the efficient matron of the city jail, recently told the writer that even before the house of detention was started the falling off in the numbers of boys brought to her department was extremely marked and the occasion of frequent comment. The special officers detailed by the railroad companies and the dry goods stores have voluntarily complimented the court upon the remarkable decrease in cases handled by them. The general manager of one of the largest railroads in the State told the writer recently that since the juvenile court was inaugurated they had been able to dispense with one of the men employed to protect their property from juvenile lawlessness, because of the amazing decrease, and all of these officers have expressed the opinion that 90 per cent is an average and conservative estimate of such decrease.

## TRUANCY DECREASING.

Truancy is certainly by no means as alarming and prevalent as it was formerly. We invite the attention of the reader to a few of the letters published in the chapter on "The court approved," both as to the decrease in juvenile offenses in Denver and the saving of expense to the State. Considering the natural reasons, because of the different handling, for the increase in numbers brought to the juvenile court, the results so far are all the more encouraging.

## TRUST AND CONFIDENCE IN BOYS.

Considerable has already been said respecting the methods of this court in placing trust and confidence in the boys. This has been carried to the rather unusual extent of sending boys to the detention school with their own orders of detention. I have had some of the worst boys taken from their cells in the jail and brought to my chambers by careful officers who expected them to attempt to escape. I have never hesitated in the worst of such cases, after I have had a talk with the boy and was satisfied that I understood him and he understood me, to return them to the jail alone and unattended through the crowded city. Not a single boy returned by me to the jail alone has ever failed to promptly report and take his place behind the bars.

## BOYS GO TO JAIL AND INDUSTRIAL SCHOOL ALONE.

We have now committed 18 boys to the industrial school at Golden, who have taken their own warrants of commitment, taken the

electric cars in Denver alone, gone through the crowded city, changed cars down among the railroad tracks, with every opportunity to escape, and without the knowledge of the officers at the industrial school that they were coming, left the train at the industrial school station near the foothills, and have gone straight to the superintendent's office and there delivered themselves and made return upon their writs. This plan was looked upon with doubt and suspicion, not only by the police, but by some of the best friends and officers of the court. Not one has failed to do all that he promised and all that was expected.

#### WHO THE BOYS ARE.

These boys are of every type, from the little chronic runaway of 11 or 12, pursued and hunted by the police and brought screaming to my chambers in charge of an officer in full uniform, to boy burglars of 16, who have been transferred from one jail to another shackled and placed in close confinement.

#### IF WE SHOULD FAIL.

Of course, I may some day be disappointed. I am looking forward to that day with a great deal of interest in order to find out why the boy would not go, for I shall have something interesting to learn and can only be the better for such an experience rather than the worse, for we have never lost a boy yet, and should such a case arise, when the boy is retaken we will almost certainly start him out again.

#### PURPOSE OF THE PLAN.

There is an important purpose in this plan. I have found from talking with a great many boys in industrial schools that they felt they were the victims of force and violence; they did not look upon the State as their friend, but as their enemy, and when they came out it was often with ill will and hatred toward some one connected with the State. By the plan we pursue the boy is made to feel that he and he alone is responsible for his condition. He knows he has had a fair show and a square deal, and when he comes out of the school he is perfectly free to come back to our court, knowing that he will be welcome and helped and assisted. I try to visit the industrial school as frequently as possible, and I feel that I can justly say that every boy in that institution is my friend and cherishes no feeling of resentment toward me. On the contrary, I have a great many devoted correspondents among the boys, and every indication of the warmest regard and affection. In fact, the correspondence with boys in a great many States, whose friendship is so lasting as not to be out of mind when out of sight, is becoming so large that it is a large item of the juvenile work. In my recent trip to the Pacific coast, in every one of the cities of the four or five States I visited one of the first to see me was some boy who had been to the juvenile court of Den-



## NEEDY CHILDREN RELIEVED.

We have found it very helpful for the best work among some of the delinquent boys in this court to provide a fund for their relief. During the winter months especially children frequently come to the court poorly shod and clad. Through the kindness of some of the ladies in furnishing clothing and a number of citizens in making small donations, the court has maintained a fairly respectable relief fund, which has been administered as judiciously and wisely as possible. Many such cases may properly be sent to the charity association, which has always shown the friendliest disposition to help us, and yet at the same time such cases are sometimes so urgent that we find it more satisfactory to render relief from the probation office.

## A CASE IN POINT.

I remember getting off the train coming into Denver one cold morning when a poorly shod little boy came up to the passengers through the depot to carry their baggage. I stopped the boy and asked him if he did not know he would get into the juvenile court for being out of school. He said he was too sharp for the juvenile court, and that Judge Lindsey could never catch him. He insisted that he had a right to "smash baggage" if he could make a quarter, as he needed it to help his mother. I took the boy with me to the court-house, against his cries and protestations. He was shod and decently clad, placed upon probation, and, through the assistance rendered the home and the boy, he has become one of our warmest supporters and one of the best boys in the court. Of course, he had "swiped things."

The father of several boys reporting to the court was sentenced to jail for six months for participating in a labor riot at the smelters. The financial assistance rendered these boys and the work obtained for them did more to prevent their return to delinquent habits than the moral suasion we might have brought to bear.

Last Christmas, through the donations of the merchants of Denver and many friends of the court, an elaborate Christmas entertainment was planned for the boys in the juvenile court room. Every boy on the probation list who desired to come was invited. The Christmas presents consisted of good things in the way of fruits, nuts, games, and books, and every boy was given 50 cents in money. We can truly say that there was no happier crowd of children in Denver than these boys, over half of whom were from the poorest homes and neighborhoods in the city. Their behavior was commented on by a number of persons as being even better than that of children at some of the Sunday school Christmas trees among the children of the financially well-to-do.

## LACK OF NOURISHMENT.

The lack of physical nourishment, proper food, cleanliness, wholesome sanitary conditions, and sufficient clothing is not only responsi-

ble for a great deal of unhappiness and suffering among children, but directly contributes to their delinquency. The children of the best homes would be no different if subjected to the same conditions. We therefore feel that if we expect the child to reform it is only just and fair to improve such conditions as far as we can. I have visited the tenements and homes of the children of the poor in our largest cities, and while we have no such general surroundings or slum conditions as we have there, yet the two most miserable homes into which I have ever entered I found right here in Denver. The dirt upon the floors was actually deep enough to plant seed in; the bedclothing was grimy and filthy, and vermin more plentiful in the children's heads than anywhere else, while the atmosphere was fairly reeking. In both of these cases material assistance has been rendered. In one of these homes there are two really handsome boys. The father deserted and gone, no one knows where; the mother soured, cynical, and melancholy, slaving all day as a scrub woman, and living, practically, in a hell on earth. Is it strange that these boys do not stay at home nights and are attracted by the bright lights and music of the cheap theaters and dance halls? Is it strange that they will steal money to enter such places, which are to them heaven come to earth? I have known such little fellows to lie in jail for days and days awaiting trial for small thefts. How blindly absurd and ridiculous it all seems that nothing was done to remove the causes that were making criminals for the State until they should be sentenced to jail, which only added to the misery and absurdity of the situation; for it is such boys that I have known to be in jail time and time again, while the State slept on, believing that it was doing its duty to society, that it was protecting society, when it was merely adding itself to the seething mass that is yielding up the criminals of the future.

#### FIGHT AGAINST THE JAIL.

The jail was not abolished without work and a fight. When the fight was on, a police commissioner said the boys lied to me about the corruption in the jail. I sent for the governor of the State, the mayor of Denver, the district attorney, and the president of the council, the police board, and a dozen ministers of the gospel to listen to the story that the boys and I could tell them. They came. I sent "Mickey" to the street for the boys and for three hours they heard a story of filth and depravity from boys 9 to 15 years of age that was so horrible and revolting that it did seem hard to believe; yet it was so true that the governor rose up and declared that anyone who said the boys lied, lied himself. The ministers preached on it, and in three days our bill was passed, signed by Governor Peabody, and the jail for little children in Denver was down and out forever. Thousands of our boys had been locked up there all day and all night entirely alone. What happened can be imagined, but they never told, because no one



cared. No one knew the facts. It was not the management so much as the system itself that was all wrong.

The State will never make progress in this far-reaching problem until it abolishes the method of the jail and the criminal court, with their foul spirits of punishment and revenge, and establishes in lieu thereof a system that will implant in wayward children lessons of purity, truth, honor, righteousness, and industry, so that there may be a soul awakening instead of a soul debasing.

#### TRUE FUNCTION OF THE JUVENILE COURT.

Much has already been said and written here and by others concerning the true function of the juvenile court. Yet I desire to make some observations from my own experience and a careful study of criminality and its causes for several years past.

This court should be regarded rather in the light of a school than a court. It should be one great moral improvement association. Its chief members and workers should be those who need the improvement, just as men band together in societies to improve themselves along different lines. Because of the relation of the State to crime and the judicial system built up in this country for the correction and punishment of crime, it may be impossible, as well as undesirable, to eliminate the court from the machinery necessary to carry out the real principle and purpose back of what has been termed the juvenile court and probation system.

#### JUDGE OF THE JUVENILE COURT.

And yet, if this were not so, I should say it was just as absurd to require the ordinary judge to preside over a juvenile court as it would be to require him to superintend and manage a State industrial school or a Sunday school. Ordinarily judges are not fitted by training or disposition to preside in such courts; neither could they be expected to enter into what seems to me the true duties of a judge of a juvenile court. It is proper, therefore, that most of the personal work should be done, under the system as it now stands, by the probation officers; yet the influence of the judge, where he can take a personal interest in such cases, is an important factor in the good that can be accomplished. There are a number of judges in several cities who have shown to a remarkable extent this personal interest, and the success of the court is largely due to them; yet there are other cases where, because of the enormous amount of work more properly of a judicial character, even should there be no lack of disposition to enter into the spirit of the juvenile work, it can neither be done nor rightly expected. I think the court should be a great leavening power for good in the community in every direction it can justly and properly go. Of course, what can be done must depend

largely upon the jurisdiction, the particular city, and its own peculiar conditions.

WORK IMPORTANT.

I regard the work of the juvenile division of the court as the most important work it can be called upon to administer. Surely every case involving a boy or a girl is more important than any case involving dollars and cents, no matter what the amount may be. The proper rearing and handling of children in the home, the church, and in so far as the juvenile court is called in to help, will do more than any other one thing not only to reduce criminal proceedings in court, but also civil proceedings. It is, nearer than any one thing, the foundation of all of these problems. We must, therefore, awaken to its importance and spare neither earnest work nor money in caring for the children of the State. We must proceed on the theory that we can not best overcome the waywardness of children by punishment and force. We must overcome falsehood with truth, dishonor with honor, impurity with purity, unrighteousness with righteousness, evil with good. This is and must continue to be the doctrine of the juvenile court. There must be love at the foundation of it all, and with this there must be justice. Love without justice may become sentimentality and weakness, but there is no justice without love. The State in the past has not done this, and no one has suffered more than the State and the society it stands for, and it will continue to suffer just in proportion as it forgets that all men are brothers and all boys and girls its children, and that they deserve to be treated accordingly. It is only in this way that we shall come nearer to the teachings of our Lord and Master, and none but the ignorant or brutal or those looking for the easiest method can mistake this doctrine for leniency or weakness, for it is as far removed from the maudlins of the sentimentalist as is the heartless advocate of vengeance or "an eye for an eye and a tooth for a tooth." The torture chamber, the inquisition, and even death, for trivial offenses have passed from our civilization forever, and the entire juvenile-court system is simply another evidence that should fill us with hope, for it faces the dawn.

JUVENILE COURT ONLY A PART OF THE SYSTEM.

Of course, the juvenile court is only one of a great many things that are combining to bring about the change; no one could well accomplish it alone. Perhaps all could not accomplish it entirely. The great work of the children's aid and home-finding societies, the orphans' homes, the industrial schools, and occasionally a great man like John L. Whitman, of the Cook County jail, have their places in the work of reform.

DO NOT EXPECT TOO MUCH—TEST OF SUCCESS.

Too much must not be expected of the juvenile court; it is not *necessary to claim it*. It is a success, even conceding all of its mistakes



and failures, if it is only better than the old method. Everyone must admit this. And even if the administrative work is not done as it should be, it is better to have juvenile laws if the only effect be the single change of permitting the correction of children without stigmatizing them with crime upon the threshold of life. There is really no argument against the juvenile law nor the spirit and purpose back of it. There may be occasion for just criticism of those who administer it, but this must not be confounded with criticism or objection to the law itself. Because judges may inflict slight penalties, or no penalties at all, in criminal cases would not be considered by some critics of the juvenile law as a reason for abolishing the laws against criminality.

#### JUVENILE IMPROVEMENT ASSOCIATION.

As an auxiliary to the work of the juvenile court, a number of our best citizens have formed the Juvenile Improvement Association of Denver. The purpose of this organization is to encourage social betterment for children. The plan was proposed about a year ago and has met with much favor.

#### WORK IN THE BEET FIELDS.

Among the things which the society proposes is to take advantage of the opportunity in the northern and southern sugar-beet fields to supply city boys with work during the summer. Average boys will not work in school unless the teacher is present. Neither are they likely to work in the fields unless some capable person is there to encourage and direct them. It is not surprising, therefore, that boys heretofore sent to the beet fields without organization or discipline did not give general satisfaction. It is now proposed to send a probation officer in charge of each 20 boys, with a complete camp outfit, which is to be pitched in the most favorable place near the fields. A number of such camps have been organized, and at the present writing are being sent to the fields with every prospect of success. These boys have been meeting faithfully with the judge and the probation officers in the juvenile court upon designated evenings, when their work and its importance, not only to the farmers, but to themselves, to the court, and to the improvement association, is freely discussed. The boys are thus made to feel their responsibility, and while we can not tell what success may be had or what we can do until we try, we are looking forward with much interest to the result of this plan. Last year something over 100 boys were sent to the beet fields from Denver. They were allowed to do very much as they pleased, and with the same results as would happen in any well-regulated school of the best boys. Less than one-half of them gave satisfaction. Yet something over 20 families went from the slums to the beet fields because of the experiment, and notwithstanding its disappointments we account it to have been more than worth while.

The court is under great obligations to Mrs. J. J. Brown and her able assistants, Mrs. Margaret Fealy, Mrs. Alexander Helme, and the young ladies who assisted them in the entertainment given at the Broadway Theater in April, 1904, for raising funds for this association and the promotion of the beet-field work. The beet-sugar industry in Colorado is assuming enormous proportions and demands a class of work in the fields for three months in the summer—June to September, vacation months—which can be well performed by boys under proper discipline. We are simply trying to avail ourselves of these opportunities for the good of the boys.

#### RECOMMENDATIONS AS PREVENTIVES OF DELINQUENCY.

To this end a number of recommendations were made in the last annual report of the juvenile court, and will be here repeated, with such additions as have occurred to us during the past year.

##### 1. USE OF SCHOOLS.

We ask for more use of the schoolhouses in those districts where it is most needed. Shower baths and club rooms could be justly provided. As we struggle with the boys' club down at the railroad mission and try to raise the funds for a shower bath, I think of the big schoolhouse off in the darkness, with its light and heat and janitor service going to waste and the boys who must go into that school attending this club and begging for these facilities. I have seen many of these boys around the saloons in the evenings and in the cheap theaters. We earnestly recommended the use of the schools for this purpose over a year ago, and trust the school board may feel justified in an experiment along this line. It has been done in other cities, and I have seen it in operation with great success.

##### 2. UNGRADED ROOMS—INDUSTRIAL WORK.

We need ungraded rooms in a number of the schools, and, in my judgment, more manual and industrial work. I know that this will largely reduce delinquency and truancy in certain neighborhoods, because I have observed it in successful operation in other cities. The chapter herein upon the enormous expense to the State of delinquent children will show how absolutely economical every dollar spent for these improvements must in the end be to the State. Boys have no opportunity at this time to learn a trade in Colorado until they commit a crime, when they may be sent to the State Industrial School, where only a limited chance of this kind is given.

##### 3. PLAY GROUNDS.

We earnestly recommend a few small parks or play grounds in crowded districts in several parts of the city. We could point these out to the park commission.



## 4. PARENTS' MEETINGS.

Frequent parents' meetings in the schools, especially in those neighborhoods where environment is bad and the people are poor. Parents, whether rich or poor, can stand a good deal of education along the line of their duties and responsibilities toward their children. They should do the work, but in too many cases they can not or will not.

## 5. DETENTION SCHOOL.

The detention school has already proved so successful that a permanent institution of this kind should be built by the city.

## 6. JUVENILE BETTERMENT.

The encouragement of every rational boys' club or plan for juvenile betterment proposed by responsible people, with the view of keeping children out of the juvenile court, as one of the longest steps toward the success of the real purpose of the juvenile-court system.

## 7. ENFORCE LAWS.

A rigid enforcement of those laws holding parents and others responsible for the delinquency of children, in order to compel or assist the home and parents to perform their functions and thus relieve the State of taking their place. The institution is necessary and performs good work, but at best it can only be accounted a necessary evil where it has to supplant the home. The principal purpose of the probation system is to keep the child in the home and keep it out of institutions. No institution is better than a home. It is better than thousands of miserable places of habitation for children, mistakenly called homes. The best institutions are those nearest like the ideal home.

## 8. SCHOOL ATTENDANCE.

A continued rigid enforcement of the compulsory-education law as the best means of preventing truancy, which leads to deception, disobedience, idleness, and crime. The best economy the school boards can practice in the end is the money it now spends in the compulsory-education department for its superintendent and school-attendance officers. I have no hesitancy in saying that even \$10,000 a year spent for five years in Denver for this purpose will save the city and State easily a million dollars in the course of twenty years, to say nothing of the moral addition to good citizenship.

## 9. COOPERATION.

Continued close cooperation and harmonious work between the schools and the court.

## 10. POLICE DEPARTMENT.

Closer cooperation and a better understanding between the police department and the sheriff's office and the juvenile court. 

delighted to say that there is already abundant evidence in these departments of greater satisfaction all round in this respect. The police department has been greatly handicapped for lack of help, which, we understand, has necessitated a practice we are strongly opposed to—viz, that of arresting children and detaining them at the city hall until the probation officer can remove them to the detention school. An officer arresting a child should bring it immediately to the probation office or the detention school. It should not be taken to the city hall at all, notwithstanding the greatly improved arrangements there and the excellent care given the children by the splendid matrons in charge. The purpose of the new law was to keep children away from any connection with the jail itself, and however commendatory may be the additional precautions it does not fully comply with the requirements and spirit of the law.

#### 11. WORK BY TEACHERS.

Special and particular interest by school-teachers in delinquent boys, instead of that disposition often manifested to get rid of them as a nuisance and as engendering extra work. This must not be understood as indicating that there has been a lack of proper disposition in this regard in Denver with reference to such cases. On the contrary, the school-teachers of Denver are entitled to the warmest praise and commendation, as already declared in this report, for their cordial cooperation and earnest work in this respect.

#### 12. RECORDS AND ASSISTANCE.

Owing to the greater care given to the children of Denver under the new laws and the elaborate records we are undertaking and the extra work necessarily incurred with the new system, we should have at least one more assistant for clerical help and probation work. No one can appreciate the amount of detail work that is constantly being done by the probation office without a visit to and personal inspection of that office. This work is one that has been absolutely neglected in communities heretofore, but is now being regarded as of sufficient importance in some cities to incur the expense of a separate, exclusive court, with a special judge, clerical force, paid probation officers, and detention house. During the past two years the county court, which is in this State the juvenile court, has performed all of this work and turned over to the county over \$10,000 in cash as its earnings from litigants paying fees to the court under our fee system, after paying the salaries of the judge and all the clerks. This surplus has been sufficient to more than pay all of the expense of probation work, even since those offices have been placed upon a salary; and considering the enormous saving in money and morals, as shown by the chapter herein on expense, and considering the hundreds of thousands invested in this city in jails and the tens of thousands paid in salaries



to prosecuting officers, sheriffs, and policemen, all to detect and punish crime, it would be hard to understand the mental caliber or fathom the motive of the man who would object to any and every reasonable expense designed to save children and prevent crime.

### 13. MUTUAL HELPFULNESS.

The encouragement of a fraternal and helpful spirit between all of those offices and others who have any part in this noble work. Let there be no jealousy, no "knocking," and no complaint until they have been first made to those who may be or should be responsible and every opportunity given to correct faults, mistakes, and errors. No greater calamity could befall the work of the juvenile court than the discord which is the sure result of petty spites, petty selfishness, petty jealousies, and petty complaints and fault-finding. Let the work be the thing, unselfishly and earnestly, into which goes the whole heart and soul.

### III.—FACTS AND FIGURES.

#### *Delinquent cases.*

|                                                                | Boys. | Girls. | Total. |
|----------------------------------------------------------------|-------|--------|--------|
| Parents and children in juvenile court .....                   |       |        | 495    |
| Dependent children .....                                       | 87    | 23     | 110    |
| Delinquent children .....                                      | 359   | 80     | 439    |
| Parents of delinquent children: Fathers, 23; mothers, 23 ..... |       |        | 46     |

#### *Disposition of dependent cases.*

|                                                      | Boys. | Girls. | Total. |
|------------------------------------------------------|-------|--------|--------|
| Adopted into homes .....                             | 15    | 15     | 30     |
| Committed to State Home for Dependent Children ..... | 22    | 8      | 30     |

#### *Forms of delinquency charged.*

|                                              |     |
|----------------------------------------------|-----|
| Burglary .....                               | 31  |
| Larceny .....                                | 113 |
| Truancy .....                                | 27  |
| Disorderly conduct (including truancy) ..... | 40  |
| Disorderly conduct .....                     | 178 |
| Total .....                                  | 389 |

#### *Ages of delinquents.*

|                | Boys. | Girls. | Total. |                | Boys. | Girls. | Total. |
|----------------|-------|--------|--------|----------------|-------|--------|--------|
| 8 years .....  | 11    |        | 11     | 14 years ..... | 64    | 4      | 68     |
| 9 years .....  | 20    | 2      | 22     | 15 years ..... | 89    | 3      | 92     |
| 10 years ..... | 29    | 5      | 34     | 16 years ..... | 11    | 8      | 19     |
| 11 years ..... | 60    | 2      | 62     | 17 years ..... | 8     |        | 8      |
| 12 years ..... | 62    | 7      | 69     | Total .....    | 359   | 80     | 439    |
| 13 years ..... | 57    | 4      | 61     |                |       |        |        |

*Disposition of delinquents.*

|                                                                                                                   | Boys. | Girls. | Total. |
|-------------------------------------------------------------------------------------------------------------------|-------|--------|--------|
| Tried by court from January 1, 1903, to January 1, 1904.....                                                      | 359   | 30     | 389    |
| Delinquents charged with offenses not considered serious enough to require them to report.....                    | 50    | 5      | 55     |
| Dismissals.....                                                                                                   | 32    | 6      | 38     |
| Committed to State Industrial School at the time of trial during same period.....                                 | 8     | 3      | 11     |
| Placed on probation during same period, without any commitment.....                                               | 231   | 16     | 247    |
| Committed to State Industrial School for other offenses after being placed on probation (being 3.2 per cent)..... | 9     | —      | 9      |
| Total number placed on probation.....                                                                             | 290   | 16     | 276    |
| Total number committed to the Industrial School during the year.....                                              | 17    | 3      | 20     |

*Causes of commitments, January 1, 1903, to January 1, 1904.*

|                                                                                                                                                                  |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Larceny: One 9 years of age, one 10 years of age, three 11 years of age, four 12 years of age, one 13 years of age, one 14 years of age, one 15 years of age, 12 |   |
| Disorderly conduct: One 11 years of age, one 12 years of age.....                                                                                                | 2 |
| Truancy (including disorderly conduct): Two 11 years of age.....                                                                                                 | 2 |
| Girls committed during the same period:                                                                                                                          |   |
| Incorrigibility: One 10 years of age, two 16 years of age.....                                                                                                   | 3 |

*Report system adopted by the court, 1903.*

[Part of probation system.]

|                                                                                                                                                       | Boys. | Girls. | Total. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|--------|
| Number of boys and girls now on the report list and required to report at the morning session of every juvenile court day (every other Saturday)..... | 197   | 8      | 205    |
| Number of reports from probationers received from school-teachers during the year.....                                                                |       |        | 2,275  |
| Number of reports from other sources.....                                                                                                             |       |        | 864    |
| Total reports received.....                                                                                                                           |       |        | 3,139  |
| Each report represents a personal interview between the judge of the court and probationer.....                                                       |       |        | 3,139  |
| Baths given probationers during the year.....                                                                                                         |       |        | 1,150  |
| Positions secured during the year.....                                                                                                                |       |        | 252    |
| Boys sent to the beet fields for the summer.....                                                                                                      |       |        | 77     |
| Needy children relieved.....                                                                                                                          |       |        | 175    |
| Number of garments supplied (second-hand).....                                                                                                        |       |        | 175    |
| Number of garments supplied (new).....                                                                                                                |       |        | 229    |
| Total garments supplied.....                                                                                                                          |       |        | 395    |

*Number placed on probation for the years 1901, 1902, and 1903.*

| Year.      | Boys. | Girls. | Total. |
|------------|-------|--------|--------|
| 1901.....  | 188   | 16     | 204    |
| 1902.....  | 327   | 23     | 350    |
| 1903.....  | 231   | 16     | 247    |
| Total..... | 746   | 55     | 801    |

\* Probationers committed during the three years, all boys (less than 5 per cent), 40.

Most of the commitments made at the time of trial and not subjected to the probation system were cases where the children in question had no home conditions, or where their environments were such as to make it unwise to submit them to the probation system.



## VOLUNTARY DELINQUENTS AND PROBATIONERS.

There are over 200 boys who have come into the juvenile court within the last three years, termed "voluntary delinquents." These boys have been brought here principally by other boys who have been proceeded against in court. They often belong to some "gang," and have come in voluntarily and admitted various offenses against the law. They have not, as a rule, been tried, but have been assisted in various ways, and the great majority of them have reformed their habits entirely.

*Total number of children dealt with in the juvenile court during the years 1901, 1902, and 1903.*

Total number of dependent children:

|             |    |     |
|-------------|----|-----|
| Boys .....  | 98 |     |
| Girls ..... | 83 |     |
|             |    | 181 |

Delinquent children:

|             |       |       |
|-------------|-------|-------|
| Boys .....  | 1,014 |       |
| Girls ..... | 90    |       |
|             |       | 1,104 |

|             |       |
|-------------|-------|
| Total ..... | 1,285 |
|-------------|-------|

|                                 |     |
|---------------------------------|-----|
| Voluntary delinquent boys ..... | 200 |
|---------------------------------|-----|

|                                                                     |       |
|---------------------------------------------------------------------|-------|
| Total number of children in the juvenile court in three years ..... | 1,485 |
|---------------------------------------------------------------------|-------|

*Literature distributed each month.*

|                                          | Copies. |
|------------------------------------------|---------|
| Current number of Success .....          | 100     |
| Current number of American Boy .....     | 100     |
| Current number of Men of To-morrow ..... | 100     |
| Total monthly copies .....               | 300     |

To which is occasionally added the Youth's Companion and other healthful publications.

It is gratifying to report that the boys in court are doing as much as any other power to enforce obedience to the law among juveniles, on the theory that the court is for their benefit and assistance and loyalty to it demands in return their assistance, first, in keeping out of mischief themselves, and, second, in discouraging law-breaking among their companions.

## A LESSON FROM THE FIGURES.

As showing the "mischievous age" or dangerous age in child life the following chart, showing the ages of 1,000 delinquents covering a period of three years, is instructive. It will be seen that the greatest numbers are at 12 and 14.

*Ages of delinquents, 1901, 1902, and 1903.*

| Age.          | Boys. | Girls. | Total. | Age.          | Boys. | Girls. | Total. |
|---------------|-------|--------|--------|---------------|-------|--------|--------|
| 8 years.....  | 19    | .....  | 19     | 14 years..... | 178   | 11     | 189    |
| 9 years.....  | 31    | 3      | 34     | 15 years..... | 134   | 8      | 142    |
| 10 years..... | 79    | 6      | 85     | 16 years..... | 33    | 11     | 44     |
| 11 years..... | 120   | 3      | 123    | 17 years..... | 12    | 8      | 20     |
| 12 years..... | 147   | 13     | 160    | Total.....    | 916   | 84     | 1,000  |
| 13 years..... | 163   | 21     | 184    |               |       |        |        |

## MONTHLY REPORTS BY PROBATION OFFICERS.

In order that some idea may be had of the routine work in the juvenile court a few monthly reports are herewith submitted. Indicating, as they do, a great deal of work, they only convey an inadequate idea of the enormous amount of work done. Heretofore such work in a city has been largely neglected or not done at all until criminals are made, when we spend thousands to convict them. A report marked "poor" by a teacher only indicates a breach of some little rule of discipline in school and not a repeated offense. Three-fourths of the "poor" reports are for "whispering" or similar offense. As most boys who get into court are usually lively and mischievous it makes the showing all the more creditable. Boys report at the meetings of probationers with the judge every two weeks.

*Probation officer's report for February, 1904.*

Reports from teachers (written, 300; verbal, 23):

## February 13—

|                |     |
|----------------|-----|
| Good.....      | 121 |
| Excellent..... | 11  |
| Fair.....      | 13  |
| Poor.....      | 9   |

Total.....154

## February 27—

|                |     |
|----------------|-----|
| Good.....      | 119 |
| Excellent..... | 12  |
| Fair.....      | 22  |
| Poor.....      | 16  |

Total.....169

Total.....323

|                                                           |     |
|-----------------------------------------------------------|-----|
| Boys excused from reporting.....                          | 6   |
| Girls excused.....                                        | 1   |
| Boys committed to State Industrial School.....            | 3   |
| Boys committed after having been placed on probation..... | 2   |
| Boys committed at time of trial.....                      | 1   |
| Boys tried in court.....                                  | 61  |
| Cases settled out of court.....                           | 82  |
| Complaints heard in office.....                           | 86  |
| Letters written to boys.....                              | 283 |



|                                                                                                                                                   |     |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Letters written to parents .....                                                                                                                  | 150 |
| Letters written, applications for positions .....                                                                                                 | 18  |
| Situations obtained .....                                                                                                                         | 10  |
| Physical examinations .....                                                                                                                       | 4   |
| Visits made to homes .....                                                                                                                        | 96  |
| Visits made to schools .....                                                                                                                      | 12  |
| Visits made to dance halls .....                                                                                                                  | 8   |
| Visits made to slums .....                                                                                                                        | 12  |
| Saloons investigated .....                                                                                                                        | 5   |
| Boys brought into court .....                                                                                                                     | 77  |
| Placed on probation .....                                                                                                                         | 18  |
| Fined and the sentence suspended .....                                                                                                            | 2   |
| Brought into court by city railroad company for hopping cars, organized<br>into Little Citizens' League for Law Enforcement, and discharged ..... | 62  |
| Parents brought into court for contributing to the delinquency of children .....                                                                  | 11  |
| Mothers .....                                                                                                                                     | 8   |
| Discharged .....                                                                                                                                  | 0   |
| Fined .....                                                                                                                                       | 2   |
| Suspended .....                                                                                                                                   | 1   |
| Fathers .....                                                                                                                                     | 8   |
| Discharged .....                                                                                                                                  | 0   |
| Suspended .....                                                                                                                                   | 0   |
| Fined .....                                                                                                                                       | 8   |
| Other than parents .....                                                                                                                          | 0   |
| Number contributing to the delinquency of children .....                                                                                          | 11  |
| Working boys on probation list .....                                                                                                              | 51  |
| Schoolboys on probation list .....                                                                                                                | 153 |
| Shoes furnished to children (pairs) .....                                                                                                         | 10  |
| Suits furnished to children .....                                                                                                                 | 7   |
| Needy cases relieved .....                                                                                                                        | 40  |
| Baths given .....                                                                                                                                 | 100 |

*Probation officer's report for March, 1904.*

## Reports from teachers (written, 281; verbal, 23):

|                                                 |     |
|-------------------------------------------------|-----|
| March 12—                                       |     |
| Good .....                                      | 112 |
| Excellent .....                                 | 12  |
| Fair .....                                      | 28  |
| Poor .....                                      | 16  |
| Total .....                                     | 168 |
| March 26—                                       |     |
| Good .....                                      | 94  |
| Excellent .....                                 | 5   |
| Fair .....                                      | 21  |
| Poor .....                                      | 16  |
| Total .....                                     | 136 |
| Total .....                                     | 304 |
| Boys excused from reporting .....               | 19  |
| Boys on trial .....                             | 83  |
| Boys committed to State Industrial School ..... | 4   |

|                                                           |     |
|-----------------------------------------------------------|-----|
| Parents contributing to the delinquency of children ..... | 10  |
| Fathers .....                                             | 6   |
| Fined and suspended .....                                 | 3   |
| Discharged .....                                          | 2   |
| Fined .....                                               | 1   |
| Mothers .....                                             | 4   |
| Discharged .....                                          | 2   |
| Fined and suspended .....                                 | 2   |
| Number other than parents .....                           | 2   |
| Sentenced to jail .....                                   | 2   |
| Total contributing to delinquency of children .....       | 12  |
| Letters to boys .....                                     | 30  |
| Letters to parents .....                                  | 8   |
| Letters, applications for positions .....                 | 28  |
| Complaints heard in office .....                          | 83  |
| Situations obtained .....                                 | 23  |
| Adoption cases recorded .....                             | 6   |
| Dependent cases recorded .....                            | 4   |
| Children brought into court .....                         | 37  |
| Children ordered to report .....                          | 18  |
| Discharged .....                                          | 2   |
| Cases fined and fine remitted .....                       | 22  |
| Working boys on list .....                                | 44  |
| Schoolboys on list .....                                  | 153 |
| Garments furnished needy families .....                   | 127 |
| Shoes furnished to boys (pairs) .....                     | 8   |
| Suits furnished to boys .....                             | 3   |
| Needy cases relieved .....                                | 21  |
| Baths given, about .....                                  | 100 |

*Probation officer's report for April, 1904.*

Reports from teachers (written, 187; verbal, 21):

|                                                           |     |
|-----------------------------------------------------------|-----|
| April 9—                                                  |     |
| Good .....                                                | 76  |
| Excellent .....                                           | 5   |
| Fair .....                                                | 14  |
| Poor .....                                                | 1   |
| Total .....                                               | 96  |
| April 23—                                                 |     |
| Good .....                                                | 59  |
| Excellent .....                                           | 8   |
| Fair .....                                                | 33  |
| Poor .....                                                | 12  |
| Total .....                                               | 112 |
| Total .....                                               | 208 |
| Boys on trial .....                                       | 24  |
| Boys excused .....                                        | 10  |
| Girls committed to State Industrial School .....          | 1   |
| Parents contributing to the delinquency of children ..... | 3   |
| Fathers (fined) .....                                     | 2   |
| Mothers (discharged) .....                                | 1   |



|                                                          |     |
|----------------------------------------------------------|-----|
| Letters to boys .....                                    | 17  |
| Letters to parents .....                                 | 8   |
| Complaints heard in office .....                         | 73  |
| Letters written, applications for positions .....        | 16  |
| Situations obtained .....                                | 12  |
| Adoption cases recorded .....                            | 1   |
| Dependent cases recorded .....                           | 3   |
| Children brought into court .....                        | 26  |
| Children fined .....                                     | 1   |
| Children placed on probation and ordered to report ..... | 11  |
| Discharged .....                                         | 14  |
| Working boys on probation list .....                     | 48  |
| Schoolboys on probation list .....                       | 179 |
| Garments furnished to needy families .....               | 89  |
| Shoes furnished to boys (pairs) .....                    | 6   |
| Suits furnished to boys .....                            | 2   |
| Cases settled out of court .....                         | 63  |
| Cases released and sent home .....                       | 9   |
| Physical examinations .....                              | 1   |
| Average number of boys held at detention school .....    | 37  |
| Girls held at detention school .....                     | 0   |
| Baths given .....                                        | 100 |

*Probation officer's report, May, 1904—Office.*

Reports from teachers (written, 226; verbal, 50):

|                                                          |     |
|----------------------------------------------------------|-----|
| May 7—                                                   |     |
| Good .....                                               | 77  |
| Excellent .....                                          | 11  |
| Fair .....                                               | 45  |
| Poor .....                                               | 14  |
| Total .....                                              | 147 |
| May 21—                                                  |     |
| Good .....                                               | 65  |
| Excellent .....                                          | 10  |
| Fair .....                                               | 41  |
| Poor .....                                               | 13  |
| Total .....                                              | 129 |
| Total .....                                              | 276 |
| Children excused May 7 .....                             | 13  |
| Boys excused May 21 .....                                | 7   |
| Total .....                                              | 20  |
| Boys on trial .....                                      | 41  |
| Girls on trial .....                                     | 2   |
| Total .....                                              | 43  |
| Children placed on probation and ordered to report ..... | 27  |
| Discharged .....                                         | 4   |
| Sent to detention school and suspended .....             | 5   |
| Sent to detention school .....                           | 1   |

|                                                                              |     |
|------------------------------------------------------------------------------|-----|
| Cases continued .....                                                        | 6   |
| Physical examinations by Doctor Hopkins .....                                | 6   |
| Parents brought into court for contributing to delinquency of children ..... | 4   |
| Mothers .....                                                                | 1   |
| Fathers .....                                                                | 3   |
| Discharged .....                                                             | 1   |
| Fined .....                                                                  | 1   |
| Jail sentence .....                                                          | 1   |
| Jail sentence (served) .....                                                 | 1   |
| Letters written to boys .....                                                | 295 |
| Letters written to parents .....                                             | 10  |
| Complaints heard in office .....                                             | 89  |
| Cases settled out of court .....                                             | 43  |
| Letters written, applications for positions .....                            | 10  |
| Situations obtained .....                                                    | 4   |
| Schoolboys on probation list .....                                           | 153 |
| Working boys on probation list .....                                         | 44  |
| Dependent cases recorded .....                                               | 2   |
| Shoes furnished to boys (pairs) .....                                        | 4   |
| Suits furnished to boys .....                                                | 1   |
| Needy families relieved .....                                                | 10  |
| Children committed to Woodcroft Home for Feeble-Minded .....                 | 4   |
| Runaways returned to homes outside of State .....                            | 2   |
| Baths given .....                                                            | 120 |



## PENNSYLVANIA.

### A CAMPAIGN FOR CHILDHOOD.

By HANNAH KENT SCHOFF,

*President National Congress of Mothers, Chairman Juvenile Court Committee,  
New Century Club, Philadelphia.*

#### CONDITIONS IN PENNSYLVANIA IN 1899.

The establishment of the juvenile court and probation system in Pennsylvania had its inception in the case of one little girl, whose arrest, trial, and sentence brought out so terribly the horrors of court procedure concerning children in Pennsylvania that in my heart there could be neither peace nor rest until conditions could be improved.

Why the inadequacy and barbarity of our methods of dealing with the helpless and erring little ones never arrested my attention before I can not tell, but the whole subject stood out before me then in all its iniquity and in all its terrible consequences to the children; and as no one seemed to realize it, or to be doing anything to alter it, I was irresistibly impelled to make it my business to stop the spiritual slaughter of the innocents which had been going on for years. One morning in May, 1899, the Philadelphia papers gave an account of the arrest and imprisonment of a little girl for setting fire to a house. Her picture was published, and with startling headlines she was heralded to the world as a "Prodigy of crime." Motherless since she was 2 years old, an inmate of an orphanage, and then a drudge in a city boarding house, with no companionship except that of ignorant servants, there had been little opportunity for moral responsibility or development.

Friendless, arrested, imprisoned, tried in the criminal court, and sentenced to the House of Refuge, and only 8 years old!

When asked why she started the fire she frankly said, "To see the fire burn and the engines run."

Branded as a criminal, sentenced to the companionship of girls steeped in crimes of far greater menace to her character, what hope did the future hold for her? Subjected to all the horrors of a criminal court and treated as a dangerous criminal at 8 years of age! The horror and the injustice of that poor child's treatment led me to the determination to rescue her if possible, and to do for her what I would

wish some one to do for my own little girl were she in a similar position, as she might have been if she had been motherless and friendless at such a tender age.

An interview with the judge and an appeal to be permitted to place the child in a good home that I had secured for her resulted in his granting the request, and now, after five years, she is as sweet, attractive, and good a child as can be found anywhere.

When I remonstrated with the judge for sending such a child to a reformatory, he said he had no choice in the matter, for there was no other place to send her, and they did not want her even there, because of the character of the offense.

The statement revealed a condition I had never before realized, and further investigation into the methods of procedure with children only intensified in my mind the injustice and wrong that was being committed in the name of justice.

Pennsylvania had two houses of refuge, one in the eastern part of the State and one in the western. The latter is a State institution, while the former is a private institution, receiving from the city and State a per capita appropriation for children committed there. In addition to this, the State has a reformatory at Huntingdon for boys over 16 years of age. A law prohibited the retention of children in almshouses for more than two months, but the State provided nothing else for those helpless wards who, often through no fault of their own, were left to the tender mercies of the State for care, protection, and training. Private charities stepped in, and in many cases did good work in saving the children.

For over twenty years the Children's Aid Society has done an excellent work in placing children in family homes, but it was hampered by lack of funds, and it only had branches in a few cities, so that hundreds—yes, thousands—of cases needing special care and attention never came within its influence. Other societies in a limited way did helpful work, but totally inadequate to the deep significance of the subject. There were 500 children ranging from 6 to 16 in Philadelphia County prison in 1900. There were from 2 to 300 children every month passing through the station houses of the city standing in critical need of intelligent direction and guidance, yet receiving nothing. There were children in every county prison throughout Pennsylvania committed for trifling offenses and subjected to influences that could not fail to confirm evil habits. There were over 800 children in each reformatory, and no distinction was made as to the children committed there. Waifs, homeless little ones, children steeped in crime, were indiscriminately sent to the same institution. It was made easy to send them there. The State put a premium on parental irresponsibility and welcomed all who wished to receive education and support at the expense of the State.

Any magistrate could commit a child to a reformatory on the



parent's statement of incorrigibility, and no effort was ever made to prove the parent's statement. The child's side of the case was never heard. The result was that stepfathers and stepmothers, desiring to be freed from care of children, took this method of throwing on the State the duty that belonged to them, and more than half the children in the house of refuge were there because of complaints of parents, usually stepfathers or stepmothers. The stigma of a reformatory was thus put unjustly on hundreds of children and the State was subjected to an expense that was totally unwarranted. The institutions preferred small children, because they could show larger percentage of reform.

The cottage system was used; yet with fifty or sixty children in each house and thirty sleeping in one room there could be little of family life, which is the requisite of the true cottage system. The houses of refuge provided excellent educational opportunities, industrially as well as academically. They provided good food, physical training, and fresh air in abundance, but the association of hundreds of boys committed for every kind of crime, massed together indiscriminately except for size and age, made it a place where, even with the moral stimulus provided by those in charge, the inevitable result to all was a familiarity with crime of every sort.

A sifting process was needed. No sensible mother, as a means of uplifting her boy, would condemn him to the exclusive association of naughty boys because he had committed a fault; yet this was the method the State pursued in dealing with its childish offenders. The reformatory, which should always be a last resort, never to be used until all other methods have proved futile, was in Pennsylvania the only place to send children, except the prisons, and some of the best judges sent children to prison because they were isolated there, instead of being associated with other offenders. Their trial was in the criminal court, and in the cages for criminals the boys and girls waited their turn, listening to things too vile to mention and receiving lessons in evil never to be forgotten. Crowded lists to be gotten through; no one to give the busy judge any information that would help him to judge wisely as to the case. Such were the conditions in Pennsylvania in 1900. Erring children standing at the bar of justice with their eternal future hanging in the balance! Children with infinite possibilities for good or for evil, victims of environment, neglect, or bad homes, yet each one a child of the God who said, "It is not the will of your Father in heaven that one of these little ones should perish." Society ignores them. The churches giving millions to missions, yet blind, unconscious of the need at their very doors. No mother thought for those little ones; only the cold legal procedure of the criminal court.

In the light of true values no cases coming into the courts equal in importance to the community and the State these children's cases.

The treatment given at this time will decide the future of that immortal soul. It will decide whether he shall become a good citizen or a criminal. Is it not worthy the deepest thought, the wisest consideration?

Should not the State safeguard the interests of its helpless citizens and provide adequately and wisely for their development physically, morally, and intellectually? The latter duty has been met by our public school system, but the other duties have never received the attention they deserve. The only effective way to check crime is at its source, and that is at the very first downward step in childhood. Wise treatment at this time will save the child, but unwise treatment or neglect will develop all the bad qualities, and the result will be a criminal against whom society must protect itself and for whose support it will be largely taxed.

A subject of such far-reaching import to the individual concerned and to the community should receive the consideration of which it is worthy in legislative measure and in the careful administration of a State system which protects and fosters helpless, unprotected childhood. Such a system can never be devised or administered unless intelligent women give to the subject the same thought and care that wise, loving mothers give to the rearing of their children. Unfortunate childhood must suffer unless women recognize that a larger motherhood is required of them than to care only for their own children. Until they give to every subject affecting childhood the mother thought and care, we shall see the same old system which has marred thousands of lives and made criminals of children who might just as easily have been made into good citizens.

Such were the conditions in Pennsylvania in 1899, when, with an inward vow to work unceasingly until something better than this could be devised for unfortunate children, I planned the movement which has resulted in the establishment of the juvenile court and probation system in Pennsylvania, and which has influenced its establishment in many other places.

#### INITIAL STEPS FOR REFORM.

The first step toward this was a personal investigation of what other States were doing for children. In October, 1899, the New Century Club, of Philadelphia, invited me to form a committee of the club and pursue my investigations there. The club is composed of 600 women, and its influence and aid are valuable in many directions, and the invitation to form the committee for investigation was accepted on condition that the work should not end there, but that we should have the indorsement of the club in building up a suitable system of child care in Pennsylvania.

The committee was carefully selected and its purpose clearly stated, and as its chairman I recommended that nothing be done until a thorough study of other States had been made, not only as to their meth-



ods but the results both as to expense and as to effectiveness, in saving the children.

With this end in view a study of the laws concerning dependent, defective, and delinquent children in every State was planned, and the Bar Association of Philadelphia generously offered the committee the use of its library for this study.

Members of this committee worked there during the winter, indexing the statutes of each State, and in March that work was finished, and we had compiled "the statutes of every State in the United States concerning defective, dependent, and delinquent children,"<sup>a</sup> and we had become even more strongly convinced of the necessity for such study, because comparatively few States had given any real thought or care to protecting the interests of childhood. "Convict children" was the title of statutes in some States.

The States which stood out in bold relief in child care were Massachusetts and Michigan, while Illinois had just introduced its juvenile court and probation work.

During the summer of 1900 I visited Massachusetts, Michigan, and Illinois, studying the work done there and meeting the leaders of the work in those States.

An interview with the governor of Pennsylvania and with some of the political leaders won their hearty sympathy and support of the movement. They had felt dissatisfied with the methods in use, and willingly promised to aid us, and in this whole work they have stood by us and done all in their power to further our efforts. For the love of childhood and for its protection busy men stopped to listen and to help and lent their support and influence to this cause.

Our investigation led us to the conclusion that Illinois, in its juvenile court and probation system, had introduced the most valuable and effective method of dealing with unfortunate children, and that it was the first thing to be desired in every State.

#### SUBSEQUENT ENDEAVORS.

When our committee met in October, 1900, we employed a lawyer to draft bills for the legislature, telling him we would give him the points to be covered, and asking him to make them conform to the constitutional requirements of Pennsylvania.

Two bills were drafted similar to the Illinois laws. These bills embodied the following features:

First, separate time and place for trial of children's cases, and no detention of children in police stations or prisons.

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<sup>a</sup>Through the generosity of the New Century Club and of two of its members this compilation of statutes was published and widely distributed to those making similar investigations. It has been brought up to date in 1904, and is for sale at the club.

Second, probation officers whose salaries were not to be paid from public treasury, yet who were appointed by the judge.

Third, a house of detention in cities of first and second class for children awaiting trial.

Fourth, boards of visitors, composed of men and women, for all children's institutions.

These bills were passed by the legislature, though strongly opposed on important points by managers of the Eastern House of Refuge.

The superintendent and managers of the Western House of Refuge were in full sympathy with the acts, having long felt it was injurious to many of the children whom they were compelled to receive to be in such an institution.

The judges had given no attention to the subject, and the enactment of the laws, in May, 1901, was a surprise and a shock to those who felt old ways were good enough.

The first session of the juvenile court in Pennsylvania was held in Philadelphia June 14, 1901.

We had a suitable woman to recommend as probation officer, and members of the club guaranteed her salary. The Pennsylvania Congress of Mothers supplied an officer also, so that the court opened with two probation officers and our committee in attendance, and with a judge who, though unacquainted with the procedure desired, was sympathetic and glad to carry out the wishes of those who had worked for months to bring about the new system.

The success of the system would depend principally on the character of the probation work that was provided, and to bring that up to the highest standard and to raise the money to pay salaries of the officers was the duty that devolved upon our committee. Not only that, but to see every judge in Philadelphia, to write to every judge in Pennsylvania, to communicate with every woman's organization in Pennsylvania, and to educate public opinion to use the new laws as they should be used was the next step in the campaign for childhood. To give unity and permanence to the work it was best to have the probation officers recommended and paid by a central committee, and at my request the New Century Club voted to make our committee "a permanent central committee to solicit and receive funds from the public for the support of probation officers." This was very gratifying, because it placed the work under club auspices, which would insure permanent and intelligent direction, and the membership of the committee was increased by adding a representative from each organization contributing to the support of an officer.

We then districted the city and began our efforts to provide a sufficient number of officers to give individual care and attention to every case. Meanwhile our two faithful officers covered all the city and did as well as they could.

The next question was how to raise the money for the salaries, and



at the same time secure contributions from sources that would be permanently interested to continue them. There are 800 churches in Philadelphia, all interested in mission work, and as no more practical home missionary work exists than to save the children, we began to seek their assistance.

I visited the Jewish rabbi, asking to have the Jews support a Jewish officer who could speak Yiddish, for, as the Jewish cases form 20 per cent of the total number, it was very necessary to have their cooperation.

The Jews responded promptly to the request, provided a young woman for the work, and, assisted by a committee of intelligent Jewish women, excellent work has been done.

Next, the ministers of the Presbyterian Church invited me to explain the new work to them at their ministers' meeting, and as a result of that I was invited to speak of it at prayer meetings and special meetings arranged in different churches. One Presbyterian church agreed to support an officer; others raise money toward the work. Individuals offered the whole salary in some cases, and a mothers' club contributed the salary of an officer, a college settlement provided one, and thus before parlor meetings, clubs, churches, and ministers' associations of every denomination the subject was presented with such success that now ten officers give their entire time to the work. The city is districted and each officer is responsible for her district.

Great care was used in selecting the women for this important work. Women of tact, judgment, and common sense, women who were fitted to understand child nature and who give their lives to the work for love of the child rather than love for the salary, were chosen, and then they were asked to study and read books that would help them to the most intelligent work.

This was done in Philadelphia, and the Pennsylvania Congress of Mothers assumed the task of arousing the intelligent cooperation of women throughout the State. Speakers were sent out to different counties, much explanatory literature was distributed, and personal visits were made to Pittsburg and other cities, where the work was explained to many clubs and visits made to the judges, and we succeeded in having the work started in Pittsburg more than a year after Philadelphia had adopted it.

#### OPPOSITION.

The hostility shown to the new system by those who had not grasped its possibilities caused a suit against the constitutionality of the laws, but pending the hearing of the case before the superior court the juvenile court and probation work went on as well as it could with the rotation of fifteen judges, many of whom had no conception or appreciation of the new methods of procedure and who made it very difficult, falling far below our ideals. Even with all these drawbacks the results were such as to arrest attention, and the opposition never

discouraged the women who were the workers in this battle for the children.

The laws of 1901 were declared unconstitutional, for technical reasons, in February, 1903, but long before that we had secured the best legal talent and had five new bills drawn, covering the defects of the previous laws. These were presented to the legislature in January, 1903, and encountered opposition from the same sources that had fought the measure previously. It was a battle every step of the way, for even to the governor the appeal was made to veto the bills; but we had results to show what the new system had already accomplished, and with common sense on our side we met every assault, and won, and in May, 1903, again the juvenile court and probation system became the laws of Pennsylvania. There are peculiarities in the constitution of Pennsylvania which have made it difficult to get all as we would like to have it, but gradually we are overcoming the difficulties and are steadily gaining in the efficiency of administering the system.

#### THE ACTS OF 1903.

The juvenile acts of 1903 provide:

Separate time and place for trial of cases of children under 16, without indictment.

Probation officers to be appointed by the court; salaries not paid by public treasury.

Prohibits confinement of children under 16 in police stations or prisons.

Prohibits commitment of children under 12 to reform schools unless after probation care it is deemed necessary.

Prohibits magistrates from committing children to reformatories, and vests that power in the juvenile court.

Provides for the appointment of boards of visitors for institutions, societies, and organizations caring for dependent, neglected, and delinquent children.

Prohibits any institutions receiving dependent children to receive delinquent children, and vice versa.

In Philadelphia the order was given that one magistrate should hear all children's cases, and should hold them when necessary for the juvenile court.

The juvenile court is not a criminal court, but the judge sits as chancellor.

Under the law of Pennsylvania it is still possible to try a child in criminal court by jury, if the district attorney deems it best, but as a matter of fact children under 16 are rarely tried in the criminal court.

The preliminary hearing of the child before a central magistrate is attended by a probation officer who is a woman. At this hearing the custom is to release the child on its parents' bail to appear at the juvenile court. No child is detained in a reformatory house unless it



is unsuitable that he shall remain in his own home until trial, for every effort is made to have few children in detention.

The magistrate's hearings occur twice each day, and the probation officers are notified to investigate the cases that come up. The court sits once a week.

No judge sits more than a month at a time, and that has been a drawback to the work in Philadelphia, preventing uniformity of administration or the conversance with the cases that a longer period would give.

Each probation officer makes thorough investigation into the causes that have led to the child's misdeed, and a comprehensive statement of conditions and previous history is given to the judge when the case is heard, and all this is most helpful in his decision.

The probation officer is always asked to testify in each case. Wherever the home is not criminal the child is returned to the home under the care of the probation officer. That is always the first choice. If the home is absolutely unsuitable, the second choice is to provide the child a home in a family rather than in an institution. The reform school and the institution are the last resort, only to be used when other methods have proved unavailing.

The probation work in Philadelphia is on a high plane, for it has been under the direction of the leaders in the National Congress of Mothers, whose specialty has been the study of childhood. They recognize that trained service is needed greatly for those who must deal with the eternal future of an immortal being, and that untold harm has been done by unwise methods. As a trained nurse can more successfully cope with disease than can the untrained nurse, so in moral disease the trained worker is most needed. Child study, psychology, as related to the characteristics and development of various stages of childhood, a study of penology and sociology, and such legal training as is required for the presentation of cases, combined with common sense and a consecrated love for the children, are requisites for good probation work. The entire time of the officer and individual care and thought for each child are essential to satisfactory probation work; therefore, an officer must not have too many cases under her care. Our officers are women. Dealing as they do with the child and the mother, they come into closer relations than a man ever can, and child care is every woman's work, the mother work which the work needs.

All recommendations for appointment of probation officers come through the New Century Club committee on juvenile court and probation officers. In this way we control the quality of the service. The political leaders and the judges say they could not have secured such probation work if it had been a political appointment, and this is certainly true.

We meet with the probation officers and all difficult cases receive careful consideration.

We have no head probation officer. Each officer is responsible for her district and reports directly to the court.

Philadelphia is about to purchase a house for the children awaiting trial. There will be separate rooms for the children. A resident probation officer and the magistrate's hearing in the house of detention daily will be features of the house, and no child will be detained there when it is possible to let him give bail to appear at court. A woman of rare culture and refinement is in charge of the children detained, and attends the magistrate's hearing, so that now in Philadelphia a woman's loving thought and judgment are exercised in the case of every unfortunate boy or girl who is brought into the court, and it has an influence of inestimable value in the disposition of the cases.

Physical examination of children's mental condition by expert physicians has resulted in the placing of many children in feeble-minded schools and special schools for treatment.

An experience with thousands of children has proved conclusively that there is no criminal class of children. A child's environment, lack of home care, and neglect may lead him into crime, but in each we find the germ of good, and to quicken and develop it is our work. Punishment does not accomplish this. Education, help, love, and patient stimulation of the better instincts can alone develop that germ. We do not consider the crime. We consider the child, and we have saved those whom even the reform schools feared to take, considering them prodigies of crime. We also encourage parental responsibility and provide help and instruction for ignorant, careless parents.

The National Congress of Mothers recommends and is trying to establish courses of training for probation officers and other workers with children in connection with the universities. Such a course should have, with the theoretical training, the practical work in connection with the court, and by putting it on a professional basis it would bring to it those who would do more intelligent work. Such trained intelligent service is also needed in penal institutions of all kinds, and if once tried the results would show how vastly superior such service is. It is God's own work to uplift the weak and the fallen, and in this probation care the more nearly it resembles His love and His patience for His children the more nearly will it approach the standard it should attain. How can we expect great changes in a few months or a year with those who have had every disadvantage, when slowly and with many backslidings

We build the ladder by which we rise  
From the lowly earth to the vaulted skies,  
And we mount its summit round by round.

Love for the child, patience, insight, and comprehension of child nature and its needs applied to the life of each child will revolutionize the world.



## COURT RECORDS.

*Official report from court records, Philadelphia, June 14, 1901, to November 1, 1902.*

|                                                                       |       |
|-----------------------------------------------------------------------|-------|
| Total number of cases of children .....                               | 1,798 |
| Delinquents .....                                                     | 1,112 |
| Dependents .....                                                      | 681   |
| Returned home on probation .....                                      | 1,008 |
| Back twice .....                                                      | 24    |
| Back three times .....                                                | 3     |
| Sent to house of refuge .....                                         | 104   |
| Total number of cases from October 1, 1903, to January 30, 1904 ..... | 645   |
| Visits made by probation officers .....                               | 4,700 |
| Sent to house of refuge .....                                         | 62    |
| Dependents .....                                                      | 31    |
| Delinquents .....                                                     | 614   |
| Under probation care .....                                            | 367   |
| Returned to court a second time .....                                 | 22    |

Total number of cases in detention house February, 1903, to February, 1904,  
1,327 boys.

## WISCONSIN.

### HISTORY OF THE JUVENILE COURT OF MILWAUKEE.

By BERT HALL, *Probation Officer.*

In its general features and in its general scope and purpose the Milwaukee juvenile court law does not differ from the Illinois law, which has served as a model for so many other States in framing their juvenile court laws.

For many years persons engaged in this city in philanthropic work among children, especially those whose work brought them in touch with children charged with violations of the law, realized that all the essentials of the most cruel barbarism were contained in the methods of dealing with these unfortunate little ones.

From the hour of their arrest children were treated with no more consideration than the most hardened criminals. They were thrown into the same cell on the same corridors in the jail and were taken with the "bums and vags" to court, where their cases were heard and disposed of in the same flippant manner that usually characterizes proceedings in the police courts of our large cities.

If released by the court, they went back to their old surroundings, where they at once became the heroes of the boys of the neighborhood on account of their experience and the added equipment for a criminal career which they had received from their associates in the jail and prisoners' pen.

When the condition became unbearable the child workers of the city, led by Mrs. H. F. Whitcomb, drew up a bill for presentation to the State assembly and which became our present juvenile court law. The bill was passed in 1901 and became operative in July, 1902.

#### THE WISCONSIN LAW.

It provides that the judges of the county shall meet once each year and select one of their number to act as the judge of the juvenile court. Judge N. B. Neelen, of the district court—the polite name by which Milwaukee designates her police court—was chosen and has been rechosen each year as the judge of this important court. The juvenile court is in session one-half day each week, Wednesday afternoon. The rest of Judge Neelen's time is devoted to the consideration of the usual cases that come before a police magistrate. Many of those who have watched the working of the court feel that it is



practically impossible for a judge who devotes so much of his time to the contemplation of the offenses of the most depraved criminals to be in the correct frame of mind for the consideration of the proper disposition of the cases of juvenile violators of the law. They feel that it would be much better if the cases could be heard in some place outside of the criminal court and by a judge who is not engaged in hearing criminal cases.

Our law provides that children under 16 shall not be confined in the county jail, and yet for more than two years our county authorities have kept up the old practice of lodging the youngsters in jail. Recently the Children's Betterment League threatened mandamus proceedings, and the county board is now preparing a place of detention for juvenile offenders.

The probation officers of the court serve without remuneration, and, on the whole, their work has been well done. There is, however, a growing feeling that the public ought to pay for this most important work, and that only persons known to be expert in the management of children should be appointed.

One case will serve to illustrate the manner in which the law works for the good of the child offender:

One year ago three boys, not one of whom had reached his twelfth year, were arrested charged with burglary. They were brought into the court and readily admitted that they had removed the glass from a window and had taken from a store a baseball outfit, consisting of gloves, bat, mask, and a cheap ball. They did not even know the meaning of the word burglary, and said they only took the things because they wanted to play ball. These boys were placed in the charge of a probation officer who thoroughly investigated the home conditions and the school records of these little fellows. One boarded with his father in a saloon, his mother was in an insane asylum, and the wife of the saloon keeper divided her time between housework, bar tending, and whipping the boy. His school record was good and the police said he had never been troublesome before.

The other boys resided in the same neighborhood and were not considered bad. These three boys were the sons of very poor parents. They told the probation officer that they had never been given one cent of money to spend; that they had never had a baseball to play with, and that they wanted one very much. They thought they could get one from the store without being caught, so they helped themselves. These boys were found to be idle on the streets after school hours, and it was in these idle hours that temptation assailed them.

They were asked if they would care to earn a little money after school each day, so that they might buy their baseball outfits, and seemed delighted with the proposition. A daily paper was appealed to, with the result that they were each given a few customers whom they must serve with the paper each day after school.

At the end of the week they were the happiest boys in the city; they had a baseball outfit purchased with their own money. From that day they have been good boys and have steadily continued to carry papers, building up the small routes until they are now earning from \$1 to \$1.50 per week after school hours.

Acting under the direction of the probation officer, the father who boarded at the saloon changed to a more suitable place. Having accomplished the above results, the case against the lads was dismissed.

The case given above is not an unusual one, but it is not always that the probation officer can solve the problem presented so satisfactorily, and he is frequently compelled to recommend the reform school as the only place where the kinks in the young life may be straightened.



## NEW JERSEY.

### HISTORY OF THE CHILDREN'S COURT IN NEWARK, N. J.

By Hon. ALFRED F. SKINNER, *President Judge, Court of Common Pleas.*

Juvenile courts are of recent establishment in our State. Essex County, which contains the city of Newark, one of the two largest cities in the State, made some attempts in the years 1902 and 1903 to dispose of juvenile offenders under existing legislation. It was found inadequate, and an act was accordingly introduced in the legislature of 1903, which was passed April 8, 1903, and is found on page 477 of the pamphlet laws of that year.

Its provisions are as follows:

When a boy or girl under the age of 16 years is arrested upon complaint of any crime (except murder and manslaughter), or of being a disorderly person, or being habitually vagrant or incorrigible, the magistrate may parole the offender or commit him to the county jail for trial, and forthwith send the complaint to the juvenile court. The judge of the court of common pleas of the county constitutes a court for the trial of juvenile offenders. Upon receipt of said complaint said judge holds a session of the juvenile court. The prosecutor of the county prefers an allegation in writing, alleging that the offender is a juvenile delinquent, specifying the offense or offenses upon which such charge of delinquency is based. The accused pleads to the charges, but before pleading is instructed as to his rights to be charged upon the indictment or presentment of the grand jury to have a trial by jury. An early date is fixed for the trial, notice given to the parent or guardian, counsel assigned, and, pending the trial, the court paroles or makes such disposition of the offender as it deems best. If at the trial there is conviction, or if the offender pleads guilty, there is no conviction agreement, but the offender is adjudged to be a juvenile delinquent. The delinquent may then be committed to the State Home for Boys or the State Home for Girls, as the case may be, or to any county or municipal institution established for the reform of juvenile offenders, or sentence may be suspended and the delinquent placed in the hands of the probation officer, or the offender may be imprisoned or fined. If the accused demands it the complaint will be sent to the grand jury and the case dealt with in the usual course of law. However, the failure to demand a constitutional right will

be regarded as an implied waiver of the right under decisions in this State.

The court has been in operation now almost a year, and the effects have been quite striking. Besides the expected results—viz, separation of juveniles from hardened criminals, conviction of mere delinquency instead of crime, and the advantage of centralization in dealing with such offenders—there has been a diminution in the number of offenders. It was necessary at first to have a session of the court once a week; now once a month suffices, and the number of offenders arraigned each month is no greater than the number that were formerly arraigned weekly. This is probably partly due to the fact that one or more members of a gang having been put on probation or committed to a reformatory, the gang has been broken up, and partly because the method of disposition of cases in the juvenile court has taught police magistrates throughout the county to make more careful inquiry and dispose of the charge without further and more elaborate criminal procedure. Another result obtained is that it is found that not more than one out of twenty-five juvenile delinquents have to be sent to the county jail. They can be paroled, and where before the jail used to have from five to twenty boys undergoing all the contaminating influences of jail life it is now seldom that the jail contains one.



## INDIANA.

### THE MISSION OF THE JUVENILE COURT OF INDIANAPOLIS.

By Hon. GEORGE W. STUBBS, *Judge of the Court.*

The establishment of the juvenile court in Indianapolis grew out of the conditions found to exist in our city when I became judge of the police court in October, 1901. I had been judge of that court for one term of two years from October, 1893, to October, 1895, and after I had been out of office some years I was again elected to the same position in 1901. When I went into office the second time I was astounded at the number of children brought before me charged with offenses against the law. During the first thirty days of my second term more boys were brought into court than had been brought before me during the entire term of two years when I had held the court some years earlier. The situation was alarming and I began to cast about for some other and better method of handling their cases. Under the law as it then existed I could only deal with them as adults might be dealt with. The first step taken was to order a separation of their cases from the cases against adults, and a day was set apart for a special hearing in all cases against children under 16 years of age. This was not satisfactory, as I could only punish them as adults might be punished.

Out of this situation grew the agitation which resulted in the enactment of a law for the organization of juvenile courts in Indiana. We are greatly indebted to Mr. Timothy Nicholson and Mr. Amos W. Butler, of the board of State charities, for many of the wisest provisions in the law, notably the provision for the appointment of probation officers, which in my opinion is the best feature of the statute. The law provides for the appointment of two probation officers in cities of 100,000 population or more. These officers are officers of the court. Their duty is to make what is termed a preliminary investigation of the home conditions, reputation, general character and conduct, habits, associations, and school record of every boy and girl against whom a charge is filed, and this investigation must be made before the case is heard by the court. The law also provides for the appointment of as many volunteer probation officers as may be needed, who are willing to serve without pay. Nearly 200 of these volunteer officers have enrolled themselves, many of whom are now serving the court and the community by caring for some poor

boy or girl and aiding such child by precept and example to lead better and cleaner lives. These volunteer officers are all men and women who can afford to give a little time to the boy or girl who may be placed in their charge. They are clergymen, doctors, lawyers, and business men, and broad-minded, charitable women.

Since the Indianapolis court was organized, now a little more than one year ago, we have had before us more than 750 children against whom charges have been filed. The offenses charged covered the entire list of offenses known to the law, from the most trivial misdemeanor to grand and petit larceny, forgery, burglary, arson, rape, and murder.

A few of the worst criminals, the utterly incorrigibles and degenerates, have been sent to the State institutions—the Indiana Boys' School and the Indiana Industrial School for Girls—and some of the mildly incorrigibles have been sent to private schools and institutions, schools and institutions that are organized to care for such children. Many have been discharged outright, and in the cases of many others judgment has been suspended and they have been allowed to return home without further supervision of the court or its officers where the preliminary investigation has shown that the home conditions were good and the parents respectable people who were able to care for their child and who were anxious to have him under their own control. Nearly all the others, some 250 in number, have been released on probation, and each one of these has been declared to be a ward of the court and placed in charge of a volunteer probation officer.

#### VOLUNTEER PROBATION OFFICERS.

The work of these volunteer probation officers has been fruitful of good results. A boy who has lived in an environment of vice and degradation, who has been repeatedly sent to the nearest saloon after a bucket of beer which is consumed in his presence by the family, who listens to quarrels and often witnesses a fight between his father and mother, who is kicked and cuffed out of the house and often ordered to steal coal for the kitchen stove, which sometimes affords the only heat in the house, such a boy has but a poor chance in life without some outside assistance. But place him in charge of a kindly hearted, broad-minded man of affairs, a man of character and standing, and a new world is opened to him. He has never known that there was anything better in life for him than the treatment he is so painfully familiar with. Let such a man get the confidence of such a boy and the effect on the boy is almost electrical. If there be a spark of manliness in that boy's heart it is pretty sure to be fanned into a flame, and if the kindly, thoughtful supervision is only kept up that boy can be saved and developed into a good citizen in nine cases out of ten if only his appetite for cigarettes has not mastered him.



## THE PERSONAL TOUCH.

It is the personal touch that does it. I have often observed that if I sat on a high platform behind a high desk, such as we had in our city court, with the boy on the prisoner's bench some distance away, that my words had little effect on him, but if I could get close enough to him to put my hand on his head or shoulder or my arm around him, in nearly every such case I could get his confidence. It is this close personal contact between the probation officer and the boy which we try to bring about, and it is this kindly interest taken in the boy by his probation officer that has proven to be so valuable to the boy and to the court. Out of more than 250 bad boys and girls—mostly boys—who have been placed on probation, less than 10 per cent of them have been brought into court again charged with a second offense. If the delinquent children of our large cities are to be reformed and saved from becoming criminals through the agency of the juvenile court, it will be found that the best and most effective work will be done by the volunteer probation officer.

I have said that we have had about 750 cases in the juvenile court in Indianapolis in little more than one year. This does not include the cases of many children about whom complaint has been made and in whose cases investigation has been made, but against whom we have not allowed formal charges to be filed, so that the whole number investigated would probably aggregate 850.

## TAKING CARE OF BOYS ON PAROLE.

In addition to the regular work of the juvenile court we have taken upon ourselves the duty of finding work and homes for the boys who are paroled from the Indiana Boys' School at Plainfield, which institution is our State reformatory for boys. When a boy is sent to that institution he is committed until he is 21 years of age, but if he violates none of the regulations of the institution and applies himself closely to study and performs the work he is required to do to the satisfaction of the superintendent and board of managers he may earn his parole or ticket of leave when he has received a certain number of credits. Under this rule a boy may earn his parole in about a year.

The State has provided only one paroling officer for the institution for the whole State, and manifestly it is impossible for him to keep in touch with all the boys who are paroled, as his field is the entire State of Indiana. We took note of these conditions and made a proposition to the superintendent and board of managers that if when a boy was to be paroled who belongs in our county they would bring him to Indianapolis and parole him in the juvenile court and turn him over to us we would undertake to furnish a probation officer who would keep in close touch with him, and that we would also find a job of work and a decent boarding place for him.

This arrangement went into effect in January last, though I believe the first Plainfield boys came to us in February. Since that time we have received a number of boys from that institution, all of whom have been furnished with work and with boarding places where they did not have homes to go to. A probation officer has been found for each one, and I am pleased to state that most of them are doing well.

In order to carry out this plan we had to call upon the manufacturers of Indianapolis to assist us in the matter of furnishing employment for these boys. They nearly all offered to take the boys after the matter was explained to them, to pay them reasonable wages from the start, with a promise of increase as the boys might be able to earn more money, and to furnish a man, usually an assistant superintendent or foreman, who would look after, care for, and advise with the boys about their work during working hours, and about their conduct and associations when not actually employed. This plan is proving to be an excellent one. So far as the county in which Indianapolis is situated is concerned, the boys when paroled from Plainfield are no longer permitted to drift back into their old habits and associations, but are given a start on the high road that leads to manliness, good citizenship, and success in life; and while all this is not a part of the duties of the juvenile court as laid down in the statute, yet we have taken it up and have so far been amply repaid for our work. This feature of our work affords a fruitful field, with the promise of a glorious future.

I would not have you think for one moment that because of the large number of children brought into our juvenile court that Indianapolis is a bad city to live in or that it is worse than other cities of its size in the country. It is not. Indianapolis is a good city; it is a city of homes, a city of schools, a city of churches, a city of manufactures, a city of good people. I do not believe that there is a city of its size between the two oceans that will excel it in point of good citizenship, and yet we have our submerged tenth.

#### THE CIGARETTE HABIT.

How is the great increase in the number of delinquent children in all our large cities to be accounted for? I have given this question a good deal of thought and some investigation, and I have reached the conclusion that aside from all the frailties and weaknesses that afflict our common humanity and which are liable to blossom and develop into crime, especially where there is a lack of parental control or where the parents themselves belong to the ignorant and vicious class, yet by far the worst thing to be met with in the cases of boys charged with delinquencies is the cigarette habit. Manliness and good conduct can be aroused and stimulated in most boys, no matter what the offense of which they have been guilty, if only they are not cigarette fiends. When a boy has become addicted to the use of



cigarettes the disease is in his blood and brain; his moral fiber is gone; he is apathetic, listless, and indifferent in school; he fails to hold a job of work, if he is put to work, for the reason that he has not sufficient strength to do the work that a boy of his age ought to easily do; his vitality has been sapped away and all the vigor that should characterize the normal boy is gone. The probation officer has but small chance to reform and help the cigarette fiend, unless the habit can be broken. It is a fight with the boy's appetite, which, like the burning thirst of the inebriate, rarely listens to moral suasion. When a boy is in this condition he is easily led into offenses against the law. We have found that when a boy is found to be guilty of a grievous offense he is generally found to be a user of cigarettes.

A boy, like all other human beings, has a dual nature. I may shock sociologists somewhat, but I have come to believe that if the better part of him is stunted in its growth the baser side will develop the more rapidly. He is a growing being and must develop along some line, and if his moral and intellectual faculties are dulled or deadened the immoral and vicious elements that exist in us all will come to the surface and will blossom and develop into crime. It is well known that there is the taint of savagery in most of us, and though it is smothered and kept down by civilization, education, and the influence of our blessed Christian religion, yet let these be deadened and how easily we drift into vice and crime. Note how easily the boy, with his immature and growing body, his tender nerves, his undeveloped muscles, and his childish brain, falls a victim to the deadly cigarette. He inhales the smoke; the poison gets into his blood and is carried to his brain. His hungering appetite for cigarettes gets beyond his control, his ambition is gone, and his vitality goes with it, and as all his better self is being destroyed the vicious and baser part of him is being stimulated and developed. Is this picture too highly drawn? I do not think so.

If we can teach the boys to live good lives, to be honest, industrious, truthful, to be sincere, to cultivate manliness, we shall have fulfilled the mission of the juvenile court. We do not hope to make a good citizen out of every boy brought before us; we only propose to do our best.

#### THE PROBATION SYSTEM OF THE JUVENILE COURT OF INDIANAPOLIS.

Mrs. HELEN W. ROGERS, *Indianapolis.*

I wish to present not any general abstract theory of the probation system, but a brief description of the actual methods developed in the juvenile court of Indianapolis during the first year of its existence. I shall, therefore, in my use of the term limit it strictly to its application to delinquent children, and that in turn to the preinstitutional rather than the parole period.

In Indianapolis, as elsewhere, the probation system has taken on

two distinct aspects: The first, preliminary and more or less negative in its nature—that of investigation. The second, supplementary, but even more vital because more philanthropic and constructive—that of supervision. These two principles represent the accepted law and gospel of the probation system. Their application, however, admits of considerable difference of opinion. I wish, therefore, in this brief description of the characteristics of the system developed by us, to lay special stress on these distinctions in method and to justify, if possible, the conclusions at which we have arrived.

#### THE WORK OF INVESTIGATION.

In the matter of investigation there are two avenues of approach—one from the point of view that in the case of juvenile delinquency, as in that of adult criminality, all investigations preliminary to the trial should be made through traditional channels, namely, the arresting officer; the other, that this should be done by men and women trained not merely to detect crime, but to discover the causes underlying its manifestation. In Indianapolis, passing, as we have, through three distinct stages of evolution, from the police court régime, through the separate sessions still under police control to the present court, established solely for the hearing of children's cases, we have had special opportunity to compare the two and to draw a few legitimate conclusions. Under the old régime, in which all arrests, preliminary investigations, and presentations to the court were made solely by members of the police department, these are the conclusions we draw: The average patrolman is trained primarily to convict. He is the graduate of the police and criminal courts, in both of which he has dealt with human nature in its maturity, acting with consciousness of motive and fixity of purpose. He has been concerned with single acts in their relation not to other acts, but to technical violation of law, and his position toward this violation has been perforce that of the upholder of traditions, the vindicator of the primitive theory of punishment. Taught to gather his facts with the sole purpose of proving guilt, he has little interest in the complete history of the child, its heredity, its environment; he cares nothing for the causes lying hidden in them, nor for any provisions for their removal; in the majority of instances it is not only easier, but more expedient to remove the child rather than to attempt to remove the cause.

Thus, as we look back over the old order, the child's day in court seems to us to have been pathetically similar to that old English description of the life of man—flitting like a bird into the lighted hall, tarrying for a moment, and vanishing again into the darkness, no one knowing whence he had come or whither he had gone. Under the new order, on the other hand—an order in which the preliminary process is placed in the hands of paid probation officers, whose only object is not the making of a case, but the discovering of every condition surrounding



the life of the child—these facts become in their turn obvious: The student investigator, if I may use the term in contrast to the former, finds it less difficult to realize that the juvenile court was established for the reformation, not the punishment, of delinquent children. Trained, perhaps, in the charity organization society, he enters a familiar field, finding in it material, method, and ends to be obtained similar to those to which he has been accustomed. He is more apt to bring to the task, moreover, the open heart and mind of one who, accepting the misdemeanor of the child as a mere clew—as a mere symptom that a pathological condition exists—seeks to make an impartial diagnosis, keeping always in mind the ultimate cure of the disease.

Under this latter order of things, which the passing of our juvenile-court law made possible, I do not mean that the investigation is not still dependent on the evidence of the police officer, who still makes the arrest and appears as a witness in court; he does not ignore his value nor underrate his cooperation; he merely begins where the others' work must necessarily end and supplements his partial knowledge with his fuller vision. But the test of every method lies in its practical results. Whatever method of investigation is partial in its scope, is prejudiced in its purpose, and indifferent as to its ultimate ends may be safely characterized as inadequate. Whatever method is thorough in its procedure, consecrated in its purpose, and constructive in its ends, is the only type which is consistent with the spirit of the juvenile court. After a year's experience in each of these two systems we feel that the latter method is the only method by which we have been adequately prepared for the second and more important aspect of the probation system, that of constructive supervision.

No investigating officer, no matter how rapid or thorough, can in one day's effort discover all the conditions surrounding the life of any child, nor can he, with new cases constantly demanding his time and attention, exercise sufficient supervision over children replaced in his care, nor cultivate those personal relationships which make for character development and without which the work of the investigator would be as useless as a medical diagnosis without subsequent treatment of the disease. A small proportion of children arraigned in every juvenile court will, of course, need the rigid discipline of an institution—will call for immediate quarantine, as it were. But the large majority of cases being forms of childish, nonvirulent disorder, will yield to home treatment—will need outdoor rather than indoor relief. It is at this point, I believe, that the new problem enters which I wish to present for your consideration.

#### THE WORK OF SUPERVISION.

This home treatment takes on two forms—one of mere supervision, the other a positive character development. The first more formal task of merely keeping track of a child during suspended sentence is

important, of course, but the fundamental principle underlying this aspect of the probation system is this: As the violation of social law, whether it takes the form of adult criminality or juvenile delinquency, is produced mainly through association with lawlessness and vice, so regeneration can be wrought only through close and persistent contact with integrity and purity. The question of immediate concern becomes, not whether this principle should be applied, but what form its application shall take. To put it boldly, Shall the supervision of children released from the court on so-called "suspended sentence" be done by paid officials or assigned to volunteer workers? Certainly on the face of it a paid worker has apparent advantages: He can be carefully selected, he has been specially trained in the service, all his time is at the disposal of the court, and his relation to it is, for all practical purposes, permanent. The volunteer, on the other hand, is open to corresponding objections: He is difficult to secure, he is untrained, limited as to time, his relation to the court uncertain, and the task of supervision difficult.

#### VOLUNTEER PROBATION OFFICERS.

The question certainly invites discussion, and I should perhaps be vindicating another system if necessity had not thrust the answer upon us. With but two probation officers available for the work of investigation, adequate supervision was impracticable, and even more so any close personal relationship with individual children. Such functions must be performed by some other means. In Chicago, with its wealthy clubs, it does not seem to have been a difficult problem; but in Indianapolis appeal could only at first be for a volunteer service. This was done, and during the year nearly 190 busy men and women have offered their services to the court in this task of supervision, 80 of whom have had children assigned to them, leaving 110 still on our reserve list. These 80 volunteers have had weekly supervision over 240 children during the year (with no cost to the county whatsoever), only 42 of whom have been returned to the court for a second offense. In a word, those objections to the volunteer worker which at first seemed to us so serious have proved more apparent than real, and if you will allow me I will put my answers to them in the form of a brief account of our practical experience in securing, training, and supervising our corps of volunteer probation officers, which is, I believe, the characteristic feature of the juvenile court of Indianapolis.

We have never made an indiscriminate appeal for a single volunteer worker. There were in Indianapolis, as elsewhere, societies and organizations standing for social betterment. It was to these that we first presented our need, to the three Young Men's Christian Associations, the Boys' Club, the Three Neighborhood Houses, the Children's



Aid Society, and churches having paid assistants, all of whom generously placed a part of the time of their workers at our disposal. In every case these appeals were individual and personal. Within a short time a monthly meeting for the discussion of topics of common interest was suggested. A committee was formed to take charge of these meetings and to interest other volunteers in the work of the court. It was the chairman of this committee who made the only public presentation of our need for volunteers at the annual meeting of the Charity Organization Society, so that his appeal, made to those especially interested in philanthropic movements, could hardly be called indiscriminate. One of the two gentlemen responding became an undaunted enthusiast. The boy assigned him was so difficult a problem that instead of discouraging it aroused him to the needs of all the boys of Indianapolis. He, with two others whom he inoculated with his enthusiasm, formed themselves voluntarily into a permanent committee for securing volunteer probation officers.

Up to this time the juvenile court had only about 40 active volunteers enrolled, keeping supervision over 125 children. A few weeks after the committee was organized letters sent to nearly every pastor in the city, asking for names and addresses of men and women in their congregations especially fitted for the work, had been received and invitations to a mass meeting under the auspices of the Commercial Club of the city forwarded. At this meeting the work of the court was presented and a movement set on foot for a permanent organization of volunteer probation workers of the juvenile court. The result has been the enrolling of 150 new members, from whom the court now draws its volunteers without any exertion on the part of its officials.

#### PERSONNEL OF WORKERS.

The personnel of these workers who have come to us in this way has been a constant surprise, representing as it does some of the most substantial men in the city. (I say men because they are so largely in the majority.) We have found in our experience in Indianapolis that this is a form of service which appeals almost without exception to business and professional men as a practical form of philanthropy. The average business or professional man who has at all developed the sense of social obligation regrets, I think, that he has so little time to devote to personal service. He contributes to many charities, lends his name to various enterprises, but to none of these, perhaps, he gives himself. Becoming a brother's keeper for one or two unfortunate boys offers this very opportunity. It requires in most instances but comparatively little time, its duties are definite, and it promises, although it may in some cases fail to fulfill, a greater return for its investment than any other form of human speculation. We are thus finding it less and less difficult to secure

volunteers of the most intelligent type, and are even beginning to see afar off on the horizon the danger that it may become fashionable.

These workers are indeed untrained, if one insists on applying the standard of the professional sociologist, but from the practical point of view they are men of large experience in the world of affairs, and adjust themselves rapidly to the idea of helping a boy to get along in the very world in which they have succeeded. They find it a familiar task, most of them enjoy it, and a resignation is a rare occurrence.

#### METHODS OF PROCEDURE.

The practical method of procedure employed in the use of the system is a simple one and designed, of course, to save the time of the volunteer worker. Whenever the investigating officer reports to the court that the evidence in a case is likely to show the need for a probation officer the directory containing names, addresses, and telephone numbers furnished us by the committee already mentioned is at once consulted. The volunteer residing in the district nearest to the future probationer, or for any other reason specially fitted for the case, is then notified that it is the desire of the court to place the boy in his care. The hour of trial is designated and the officer urged to be present that he may have the benefit of all the information which may be presented to the court. In the selection of these officers special care is given. All girls and younger boys are assigned to women; boys 12 years and over to men. Distinctions of color and religion are kept as far as possible, beside that of locality, although we have not in Indianapolis so far made any systematic effort to district the city. The officer selected rarely fails to respond. At the close of the hearing the child is assigned to the officer, who at once holds his first consultation with the child in order to make the appointments for the regular weekly report, which is one of the terms of probation. If this does not take place at the time designated, the court is at once notified.

In his personal work the volunteer officer tries to keep in touch with the child in the different phases of its life. Through the blanks provided for the purpose he can know the attendance, conduct, and progress in its school life, if he is unable to make a personal visit to the teacher. By telephone he can determine the nature of the employment record or the boy's reputation in the neighborhood from the patrolman on the beat, but at least once a month every officer is urged to visit the home of the child, in order to keep in touch with the home and neighborhood environment which are surrounding his ward, for it is in these that the real cause of a child's delinquency is hidden, and it is only after close and persistent study of these conditions that this cause can be discovered and a systematic effort at removal be made. The first of every month the officer is expected to file with the court a full report of his work, including any recommendations he thinks



necessary, either for discharge, new methods of treatment, or institutional training. The court stands ready at any time to respond to any appeal made by the officer for assistance, to summon the child to court for further reprimand, to furnish employment, for which a regular employment bureau has been developed, or, if necessary, to remove the child from the home. Thus in every way the probation officers are assisted by the court, but the personal supervision in the majority of cases is left fully in their charge.

That the supervision thus intrusted to a corps of wholly untrained workers by a court still in its experimental stage was not misplaced is corroborated by the fact that out of 240 children placed in the charge of volunteer probation officers only 42 have been returned to court for a second offense.

From this brief description of the development and methods of the volunteer probation system in Indianapolis I hope that it is at least partially obvious that the difficulties in the way of the system are by no means insurmountable.

#### ACTUAL ADVANTAGES OF THE VOLUNTEER SYSTEM.

I wish now to present on the positive side the actual advantages which I believe it to possess. The most obvious claim to practical consideration is, of course, the ground of expense. Few counties or cities will salary a sufficient number of paid officers for adequate supervision, and there is always a limit to the good will of private organizations or individuals, but even if the paid worker could be obtained there is always this danger to be considered—that the office may become a political graft in the first instance, and in the latter that the officer may come to do his work in a perfunctory way. But these are mere superficial reasons, nor does the real vindication of the system lie in the actual success obtained with a corps of workers in the experimental stage of the newly established court, but rather in the principle already stated, that regeneration in the child is wrought by personal contact with men and women of a higher type than he has ever known, by the presentation to him of an ideal which he can clothe in the form of a wholesome hero worship.

For the boy who stated to his probation officer that as soon as he was old enough he, too, wanted to be a probation officer, and for the two little girls who refused to accept their discharge there had been fulfilled something of the purpose of the court in securing this relationship. The chief difficulty of recognizing the possibilities and value of this relationship lies, I think, in our failure to distinguish the essential difference between the released prisoner on parole and the boy on probation. In the case of adults, in the release from a penal institution, the idea of law is necessarily the prime factor to be considered. Character is already formed, ideals and standards are no longer in a

state of formation; thus supervision must primarily take the shape of authority and be more or less negative and suppressive in its nature. In dealing with the juvenile delinquents, on the contrary, we have an entirely different set of conditions—conditions which become more apparent when looked at from the view point of probation rather than from that of investigation. We have here the individual in a state of evolution, with the instinct of imitation paramount. This is the instinct which has, in the majority of cases, produced the misdemeanor, and through it rather than through any other function of the child's life will his development be effected.

If this be true, the chief end of the probation system is to present to the mind of the child a tangible ideal worthy of his imitation, and the function of every juvenile court to provide not punishment, but a friend to every child that crosses its threshold, and its regenerative work with delinquent children will be a success, as it is able to bring these children into close personal contact with vigorous and wholesome personalities. And these conditions, I believe, are better satisfied under the volunteer than the paid probation system, because the volunteer is able to come into more normal, more individual, and more permanent relations with the probationer than can the paid official.

Personally I believe that the paid worker is in certain phases of philanthropy at a decided disadvantage; that always the most helpful relationship is the most normal, the most natural and spontaneous. Again, no one nature, no matter how well rounded, can adapt itself to an indefinite number of personalities. The better service is obtained, I believe, where the interest of the worker can be centered on one, at the most three, children, in whose life he becomes so interested that he has no thought of discharge, and they in their turn are thus able to have a sense of personal ownership and to take pride in this, as they know that interest is given freely and without price. I know of no other relationship more sacred, more holy than this—the relationship between the child handicapped by heredity and environment and a man endowed with culture and advantages, meeting on a common plane of mutual helpfulness; for, if you please, there is in probation as well as in settlement work a subjective as well as an objective value. Relationship is indeed unique, older than Christianity, yet as new as the newest modern movement for the realization of democratic ideals in our social life, of which this form of volunteer personal service is but another manifestation.

#### OUR CREDO.

Let me, then, in closing summarize our credo thus: We believe that the probation system is a scientific method of treating juvenile delinquency, because it seeks to determine facts, to arrive at the causes behind effects. We believe it, moreover, to be the humanitarian and



ethical method as well, because it seeks to remove those causes through the uplifting power of healthy, human influence. We believe that a juvenile court without a thorough probation system is both unscientific and unhumanitarian; though it may obey every letter of the law if it has not the scientific attitude toward delinquency it is a mockery, and if it has not the power of personal contact it is like sounding brass and a tinkling cymbal. The probation system was one of the first steps for the scientific treatment of criminality, but so long as it was merely applied to adults it was working at the wrong end. Its proper application to juvenile delinquency should be one of the most potent factors toward the ultimate solution of the criminal problem.

## MISSOURI.

### THE CHANGE WROUGHT BY THE JUVENILE PROBATION SYSTEM IN ST. LOUIS.

By CHARLOTTE C. ELIOT.

The first session of the juvenile court of St. Louis was held in May, 1903, in the chamber of the court of criminal correction, temporarily used for the purpose. Among those present were a number to whom the day represented the culmination of four years of effort, yet the contrast with scenes enacted in the same court room under the old régime was such that they felt that they had not fully realized, until they received this object lesson, how merciful, wise, and just was the reform that had been effected.

The court of criminal correction, before whose bar had been arraigned more than one-half of the children brought to trial, appears to be an institution peculiar to St. Louis. It is distinct from the police courts, where are tried violations of city ordinances, and before it appear offenders who have violated any statute of Missouri. If the crime is sufficiently serious to be classed as a felony, the accused is held for the grand jury, and, in case of indictment, tried in the criminal division of the circuit court. A very low and degraded class of criminals are tried in the court of criminal correction, many of them old offenders, but there are also novices in crime, and formerly there were many children who on the day of trial waited a summons to the bar in the iron cage outside the court room with the adult prisoners. In this court little discrimination was made between children and adults. The children had their preliminary hearing, the day of trial was set, and they went from the court room to the jail, there to spend five or ten days until again summoned. Boys held for the grand jury spent weeks or months in jail. Three or four boys a month were frequently held. Since the establishment of the juvenile court as a "court of original jurisdiction" only two boys in a period of five months have been held for possible indictment.

The Humanity Club of St. Louis is an informal organization of ladies, whose object it is to aid in effecting legislation remedial of existing evils in the public institutions of St. Louis. In the summer of 1899 the jail committee visited the city jail and found there between thirty and forty boys under 16 years of age, some of whom were awaiting trial in the court of criminal correction, but the majority of whom were held for action by the grand jury, which was not to meet until



October. The jailer, a humane man, kept the boys in cells by themselves, apart from older offenders, but during the exercise hour in the rotunda these boys mixed freely with the men, following them and listening eagerly to their conversation. Among the boys thus confined were two little fellows, 9 or 10 years of age, who had been arrested on the technical charge of grand larceny. They had climbed into an empty wagon, had driven off, and were found by a policeman in the wagon fast asleep. After remaining in jail, as appeared from the jailer's record, four months and two days the information against them was ignored by the grand jury and they were released.

At the next meeting of the Humanity Club, in the early fall, there was much discussion as to what could be done to prevent the confinement of children in jail with older offenders, and a committee, of which committee the present writer became chairman, was appointed to devise means to remedy the evil. As a beginning, a sum of money was raised, and an agent of the Humane Society employed to "look after the boys in jail." The case of every boy confined there was investigated, and a report made, but the agent was unable to benefit them materially, either by hastening their trial or otherwise, and it was decided that nothing short of legislation would effect any tangible good.

At this time the Chicago juvenile court was in successful operation, but for fear of attempting too much and losing everything—the city treasury was empty—a bill for a juvenile probation law merely was introduced in the Missouri legislature. Objection was raised by representatives of Kansas City and St. Joseph and it was framed to apply to St. Louis only. It passed the legislature with but one or two dissenting votes, but when it went into operation an unexpected obstacle arose. The judge of the court of criminal correction, before whom more than one-half of the juvenile offenders were arraigned, opposed the probation system with unreasoning prejudice, refusing to recognize the probation law or its officers and ignoring the reports they presented. In a period of a year and a half he placed but one boy on probation and refused altogether to release any juvenile offender on his own or his parents' recognizance. The judges of the police courts, and the circuit judges, criminal division, availed themselves freely of the new law and approved of it as a practical solution of a recurring problem.

But this juvenile-probation law prepared the way for a juvenile-court law, which, in the winter of 1902-3, passed the legislature almost unanimously. It applies to St. Louis and Kansas City, and in St. Louis has apparently given unqualified satisfaction. Taxpayers of Kansas City also approve of the law, but the county judges of Jackson County, in which Kansas City is situated, oppose the measure on account of the small expense involved and are endeavoring to test its constitutionality. Those interested in the juvenile-court move-



ment do not anticipate an unfavorable decision, but rather plead for an expansion of the system throughout the State, the withdrawal of the age limit, and the extension of the probation system to all ages, but especially to adolescent youth. As a practical programme it is well, in introducing the probation system into a community, to begin with juveniles for whom the chances of reform are greatest and who are often so much less morally responsible than their wretched parents. Few children are so hardened that they will not respond to better influences; a comparatively small number violate the terms of parole. Of 255 children placed out on probation in St. Louis in five months, Herman Hoebert, chief probation officer, reports that less than 8 per cent were returned to court for sentence.

From an examination of the records of juvenile cases tried in the court of criminal correction in 1900, it appears that the administration of justice was then far less uniform and just. Punishment was more severe, yet a large number of boys escaped a penalty altogether through the refusal to prosecute on the part of the person aggrieved. On the other hand, many offenders who now would be placed on probation were fined, and sent to the house of refuge or even the work-house in default of payment. The number of children brought into the courts for trial has increased since the inauguration of the new system, and this not only because defendants are now included in the operation of the juvenile-court and probation law, but for the reason that formerly many children were released by the police at the stations, while now it is their duty to report the arrest of every child to the probation officers for investigation. Children who are thus drifting into evil ways are checked and restrained. Moreover, there is not only the very wise provision that juveniles shall not be confined in jail with adults, but another, equally merciful, by which a child may be summoned to court instead of being arrested on a warrant, and may remain in his own home until the day of trial. Formerly it was a frequent practice to arrest young boys at night, dragging them from their beds to take them to jail.

As soon as the constitutionality of the juvenile-court law is affirmed by the State supreme court, a place of detention will be provided other than the house of refuge. St. Louis also needs an industrial school for such boys as are placed on probation against great odds in their own homes and for those who are actually homeless. The present house of refuge, originally organized for both delinquents and dependents—a penal institution, reformatory, and asylum—in striving to fulfill a threefold purpose, achieves none of its objects satisfactorily. The city has encroached upon it, it is hemmed in, and has few facilities for industrial training.

Not the least of the effects of the probation system is that it quickly demonstrates the necessity of other allied reforms.



## APPENDIX.

### JUVENILE COURT LAWS.

As legislation for the establishment of juvenile courts is projected in a number of States, and information on this subject is constantly sought, the laws of several States in which juvenile courts have been longest in operation are presented herewith. No attempt is made to present these laws in a chronological order. Where the laws have been amended, the latest form has been secured, if possible.

### CALIFORNIA.

CHAPTER XLIII.—AN ACT defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence.

[Approved February 26, 1903.]

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. This act shall apply only to children under the age of sixteen years not now or hereafter inmates of a State institution, or any reform school for juvenile offenders, or any institution incorporated under the laws of the State for the care and education of children.

For the purposes of this act the words "dependent child" shall mean any child under the age of sixteen years that is found begging, or receiving or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering, or receiving alms; or that is found wandering and not having any home or any settled place of abode, or proper guardianship, or visible means of subsistence; or that is found destitute, or whose home, by reason of neglect, cruelty, or depravity on the part of its parents, guardian, or other person in whose care it may be, is an unfit place for such child; or that frequents the company of reputed criminals or prostitutes, or that is found living or being in any house of prostitution or assignation; or that habitually visits, without parent or guardian, any saloon, place of entertainment where any spirituous liquors, or wine, or intoxicating or malt liquors are sold, exchanged, or given away; or who is incorrigible; or who is a persistent truant from school. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this State or any ordinance of any town, city, county, or city and county of this State.

SEC. 2. In counties having more than one judge of a superior court, the judges of such court shall from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this act. In the cities of the first class such designation shall be made by the presiding judge.

The orders and findings, if any, of the superior court in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose and known as the "Juvenile record," and the court acting under this act for convenience may be called the "juvenile court." In justices' courts having more than one justice of the peace, and in police courts having more than one judge, the justices of the peace and the judges of the police courts from time to time shall designate one of their respective number whose duty it shall be to hear all cases coming under this act. All cases coming under the provisions of this



act shall be heard at a special session of the court, and no matter other than cases under this act shall be on the calendar or shall be heard at such session, nor shall there be permitted to be present at such special session any person on trial or awaiting trial who does not come under the provisions of this act.

SEC. 3. Any citizen of the State may file with the county clerk a petition showing that there is within the county a dependent child, and praying that the superior court deal with such child as provided in this act. Such petition shall be verified and shall contain a statement of the facts constituting such dependency, as provided in section one of this act.

SEC. 4. Upon the filing of the petition provided for in section three hereof a citation shall issue, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein. The parents of the child, if living, and if their place of residence be known and it be within the county in which the court sits, or his legal guardian, if any, or if there be neither parent nor guardian, or if his or her residence is not known, then some relative, if there be any, and if his residence be known and it be within the county where the court sits, shall be notified of the proceedings; and in any case the judge may appoint some suitable person to act in behalf of the child and may order such further notice of the proceeding to be given as he may deem proper. If the person cited as herein provided shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court. In case the citation can not be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will be ineffectual, a warrant of arrest may issue on the order of the court, either against the parent or guardian, or the person having the custody of the child, or with whom the child may be, or against the child itself, or any of said persons. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case the child may be retained in the possession of the person having charge of the same, or may be kept, upon the order of the court, in some suitable place provided by the county or city and county, or may be held otherwise, as the court may direct.

SEC. 5. When any child under the age of sixteen years shall be found to be dependent, within the meaning of this act, the court may make an order committing the child for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society, or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children. The court may thereafter set aside, change, or modify such order.

SEC. 6. Any judge of the superior court acting under this act shall have authority to appoint or designate one or more discreet persons of good character, of either sex, to serve during the pleasure of the court making the appointment as probation officers of the superior court, and of such justices' court, justice of the peace and police court, or either or any thereof, as may be designated in the order appointing such officer.

When more than one probation officer is appointed, the court may designate one of the probation officers as chief probation officer and the others as deputy probation officers, and it shall be the duty of the chief probation officer to see that the deputies properly perform their duties. In case a probation officer shall be appointed to act under any court, judge, justice of the peace, or police judge, it shall be the duty of the clerk of the court appointing said officer, or if there be no clerk, it shall be the duty of the court, justice of the peace, or police judge, if practicable, to notify the said probation officer in advance when any child is to be brought before said court. It shall be the duty of the said probation officer to make such investigation as may be required by the court, to be in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as it may require, and to take such charge of any child before and after trial as may be directed by the court. A probation officer or deputy probation officer under this act shall have, as to any child committed to his care, the power of a peace officer. At any time in his own discretion such officer may bring such child before the court committing such child to his care and custody for such further or other action as the court may see fit.

SEC. 7. When any child under the age of sixteen years is arrested with or without warrant, such child may be taken directly before a justice of the peace or police judge.



In the case of any delinquent child, the justice of the peace or police judge may continue the hearing from time to time, and may, at any time, commit the child to the care and custody of a probation officer, and may allow such child to remain in the home of such child subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear to be necessary. If the justice of the peace or police judge at any time deems it necessary or to the best interest of the child that he should be committed to a State reform school or to the care and custody of some association, society, or corporation, embracing in its objects the care of neglected, dependent, or delinquent children, or should be placed in a suitable family home, or that a guardian should be appointed for such child, the justice of the peace or police judge shall certify the case with a transcript of the docket or other record to the clerk of the superior court of the county or city and county in which the justices' court or police court is held, and the officer having the child in charge shall take the child before the superior court, and in any such case the superior court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court on petition as herein provided for dependent children. In any case the court shall require a notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

SEC. 8. In the case of a child alleged to be delinquent, within the meaning of this act, and brought before the superior court, said court may continue the hearing from time to time, and may at any time commit the child to the care or custody of a probation officer, duly appointed by the court, and may allow such child to remain in the home of such child subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear necessary, or the court may commit the child to the care or custody of the probation officer, to be placed in a suitable family home, subject to the friendly supervision of such probation officer, and the further order of the court, or it may authorize the said probation officer to board out the said child in some suitable family home in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment. Or the court may commit the child for such time, during its minority, as the court may deem fit, to the care and custody of some association, society, or corporation that will receive it, embracing in its objects the care of neglected, dependent, or delinquent children. Or the court may commit such child to a State reform school, as is now or may hereafter be provided by law. The court may thereafter set aside, change, or modify such order.

SEC. 9. No court or magistrate shall commit a child under twelve years of age to a jail, prison, or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, constable, or probation officer, who shall keep such child in some suitable place provided by the city, county, or city and county, outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced, or where adults are confined, it shall be unlawful to confine such child in the same room or yard or enclosure with such adult convicts or prisoners, or to permit such child to come or remain within sight of or meet or come into or remain in the presence of such adult convicts or prisoners.

SEC. 10. The superior court of each county and city and county may appoint a board of six reputable citizens of either sex, who shall serve without compensation, whose duty it shall be to investigate all societies, associations, and corporations receiving, or applying to receive, children under this act; the said board shall report to the court from time to time as to the qualifications of such societies, associations, and corporations. Said board, if required by the court, shall also investigate and report as to the qualifications of any person by or on behalf of whom an application is made to be appointed as probation officer.

SEC. 11. Nothing in this act shall be construed to repeal any portion of the act entitled "An act to establish a State reform school for juvenile offenders, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine, or any of the amendments thereto, or the act entitled "An act to establish the California home for the care and training of feeble-minded children, and provide for the maintenance of the same," approved March eighteenth, eighteen hundred and eighty-five, or any of the amendments thereto, or the act



entitled "An act to establish a school of industry, and provide for the maintenance and management of the same, and to make an appropriation therefor," approved March eleventh, eighteen hundred and eighty-nine, or any of the amendments thereto. And in all commitments to said institutions the acts in reference to said institutions shall govern the same.

SEC. 12. No record of or testimony concerning any proceeding against any child under this act shall be admissible as evidence against such child in any other court or proceeding, except in proceedings under this act.

SEC. 13. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody, and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and, in all cases where it can be properly done, the child be placed in an approved family home, with people of the same religious belief, and become a member of the family, by legal adoption or otherwise.

### COLORADO.

*Laws concerning juvenile delinquents enacted by the fourteenth general assembly of the State of Colorado, A. D. 1903.*

#### AN ACT concerning delinquent children.

*Be it enacted by the general assembly of the State of Colorado:*

SECTION 1. This act shall apply only to children sixteen (16) years of age or under not inmates of a State institution or any institution incorporated under the laws of the State for the care and correction of delinquent children. The words "delinquent child" shall include any child sixteen (16) years of age or under such age who violates any law of this State or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill-repute; or who knowingly patronizes or visits any policy shop or place where any gaming device is or shall be operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the nighttime without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane, or indecent language, or is guilty of immoral conduct in any public place or about any schoolhouse.

Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents, when consistent with the intent of this act.

SEC. 2. The county courts of the several counties in this State shall have jurisdiction in all cases coming within the terms and provisions of this act. In trials under this act the child informed against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted as in other cases unless waived, or the judge of his own motion may call a jury to try any such case. In counties of the first and second class a special record book or books shall be kept by the court for all cases coming within the provisions of this act, to be known as "The juvenile record," and the docket or calendar of the court upon which there shall appear the case or cases under the provisions of this act shall be known as "The juvenile docket," and for convenience the court in the trial and disposition of such cases may be called "The juvenile court." Between the first and thirtieth days of October of each year the clerks of the county courts shall submit to the State board of charities and corrections a report in writing, upon blanks to be furnished by said board, showing the number and disposition of delinquent children brought before such court together with such other useful information regarding such cases and the parentage of such children as may be reasonably obtained at the trials thereof: *Provided*, That the name or identity of any such



child or parent shall not be disclosed in such report and that such report shall not be published at State expense.

SEC. 3. All proceedings under this act shall be by information or sworn complaint, to be filed by the district attorney as in other cases under the general laws of the State: *Provided*, That probation officers provided for by this act are hereby empowered to file sworn complaints and conduct proceedings against any child under this act. In any such information or complaint filed under this act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent child or person.

SEC. 4. The district attorneys of the judicial districts, respectively, of the State may appoint a deputy district attorney in each county in such districts to file in the county court of such county any information and to try any cause under this act in order that all such cases shall be heard and disposed of promptly and without delay.

Such attorney, when so appointed, shall conduct cases coming within the provisions of this act during such time as may be deemed necessary by such judge. In counties having a population of over one hundred thousand the county judge thereof, when deemed necessary by him, may direct the district attorney of such judicial district to appoint a deputy district attorney, to be properly qualified, to act as such in the county court of such county in the conduct and disposition of cases therein under this act, at a salary to be fixed by such county judge, not to exceed two thousand dollars per annum, to be paid in the same manner provided by law for the payment of salaries of deputy district attorneys.

SEC. 5. It shall be unlawful for any court, clerk, or other person to tax or collect, or for any county to pay, any fees whatever now permitted by law to be taxed and collected for the benefit of any court, officer, or person, for the case of any delinquent child coming within the provisions of this act for violating any law of this State, or committing any of the acts mentioned in section 1 hereof, unless such child shall be proceeded against in the county court under the provisions and in accordance with the purpose of this act, except in capital cases, or where the court shall direct a prosecution under the criminal code, or where complaint has been filed before a justice of the peace or police magistrate who shall duly comply with the terms of section 7 of this act.

SEC. 6. Upon the filing of an information under this act, a warrant or capias may issue as in other cases, but no incarceration of the child proceeded against thereunder shall be made or had unless in the opinion of the judge of the court, or in the absence of the judge from the county seat, then in the opinion of the sheriff of the county, it shall be necessary to insure its attendance in court at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the sheriff of the county, or his deputy or representative, to serve a notice of the proceedings upon at least one parent of the child, if living and known, or its legal guardian, or if his or her whereabouts or residence is not known, or if neither parent nor guardian shall be in this State, then some relative living in the county, if any there be whose whereabouts are known, and such judge or sheriff may accept the verbal or written promise of such person so notified, or of any other proper person to be responsible for the presence of such child at the hearing in such case, or at any other time to which the same may be adjourned or continued by the court.

In case such child shall fail to appear at such time or times as the court may require, the person or persons responsible for its appearance as herein provided for, unless in the opinion of the court there shall be reasonable cause for such failure of such child to appear as herein provided for, may be proceeded against as in cases of contempt of court and punished accordingly; and where any such child shall have failed to appear, as required by the court or its officers, any warrant, capias, or alias capias issued in such case may be executed as in other cases: *Provided*, however, That no child within the provisions of this act under fourteen (14) years of age shall under any circumstances be incarcerated in any common jail or lockup, and any officer or person violating this provision of this act shall be guilty of a misdemeanor, and on conviction fined in a sum not to exceed one hundred dollars (\$100.00). In counties of the first class it shall be the duty of the proper authorities to provide and maintain at public expense a detention room, or house of detention, separated or removed from such jail or lockup, to be in charge of a matron or other person of good moral character, wherein all children within the provisions of this act shall, when necessary, be incarcerated. Any such child so informed against shall also have the right now given by law to any person to



give bond or other security for its appearance at the trial of such case, and the court may, in any such case, appoint counsel to appear and defend on behalf of any such child.

SEC. 7. When any child sixteen (16) years of age or under is arrested with or without warrant, such child shall, instead of being taken before a justice of the peace or police magistrate, be taken directly before the county court; or, if the child is taken before a justice of the peace or police magistrate, upon complaint sworn out in such court or for any other reason, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such county court, and the officer having the child in charge to take the child before that court, and in any such case the court may proceed to hear and dispose of the case in the same manner as if such child had been brought before the court upon information originally filed as herein provided; or, when necessary, in cases where the delinquency charged would otherwise constitute a felony, may direct such child to be kept in proper custody until an information or complaint may be filed, as in other cases under this act or the laws of the State: Provided, That nothing herein shall be construed to confer jurisdiction upon any justice of the peace or police court to try any case against any child sixteen (16) years of age or under.

SEC. 8. The county courts of the several counties in this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the county treasury, except as herein provided. In case a probation officer shall be appointed by the court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require, and to take charge of any child before and after the trial, as may be directed by the court.

The number of probation officers named and designated by the county court, who shall receive compensation for their services, shall be as follows: In counties having a population of over one hundred thousand, not to exceed three (3) probation officers, one of whom shall be appointed and designated as chief probation officer, who shall receive a salary of fifteen hundred dollars (\$1,500) per year, and expenses may be allowed said officer to the amount of five hundred dollars (\$500) in the discretion of the court, and two (2) others to be appointed and designated as assistant probation officers, who shall receive a salary of twelve hundred dollars (\$1,200) per year, and expenses may be allowed said assistant probation officers to the amount of three hundred dollars (\$300) each, in the discretion of the court, from the public funds, said salaries to be paid in equal monthly installments by the board of county commissioners of such county, or that official or official body having the powers and duties, or similar powers and duties to those now or heretofore conferred by law upon the board of county commissioners of such counties or other proper officer as to the payment for services to the county; in all other counties having a population exceeding fifteen thousand, according to the last Federal census, not to exceed one probation officer, to be appointed and designated as herein provided for, who shall be paid such annual salary as may be fixed by a majority of the board of county commissioners, payable in equal monthly installments, as herein provided: Provided, That no such appointment, except in counties having over one hundred thousand population, shall be made unless in the opinion of the county judge and a majority of the board of county commissioners such appointment upon such salary shall be necessary. In counties of over one hundred thousand population a probation officer, to be paid a salary as provided for under this act, shall not be qualified to act as such until such appointment has been submitted to the State board of charities and corrections, and such appointee approved by said board as a qualified and proper person to discharge the duties of such office, and it shall be the duty of said board to approve or disapprove of such appointee within thirty (30) days after submission thereof by the county court, and a failure to act thereon in such time shall constitute an approval of such appointment. Paid probation officers provided for by this act are hereby vested with all power and authority of sheriffs to make arrests and perform other duties incident to their office.

SEC. 9. In any case of a delinquent child coming under the provisions of this act, the court may continue the hearing from time to time, and may commit the



child to the care of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment, or the court may commit such child, if a boy, to the State Industrial School for Boys, or, if a girl, to the State Industrial School for Girls, or the court may commit the child to any institution within the county, incorporated under the laws of this State, that may care for children, or which may be provided by State or county, suitable for the care of such children, or to any State institution which may now or hereafter be established for the care of boys or girls. In no case shall a child proceed against under the provisions of this act be committed beyond the age of twenty-one.

A child committed to any such institution shall be subject to the control of the board of managers, and the said board shall have power to parole such child on such conditions as it may prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or delinquent children, and which has been duly credited as herein provided.

SEC. 10. All institutions or associations receiving children under this act shall be subject to the same visitation, inspection, and supervision by the State board of charities and corrections as are public charitable institutions of this State, and it shall be the duty of the State board of charities and corrections to pass annually upon the fitness of any institution or association which may receive or desire to receive any child or children under the provisions of this act; and every such institution or association shall, at such times as said board of charities and corrections shall direct, make report thereto, showing its condition, management, and competency to adequately care for such children as are or may be committed to it, and such other facts as said board may require, and upon said board being satisfied that any such association or institution is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year unless sooner revoked by said board. The court, or the judge thereof, may at any time require from any such institution or association receiving or desiring to receive children under the provisions of this act such reports, information, and statements as the court or judge shall deem proper and necessary for his action, and the court shall in no case commit a child or children to any association or institution whose standing, conduct, or care of children, or ability to care for the same is not satisfactory to the court.

SEC. 11. Nothing in this act shall be construed to repeal any portion of the act or acts providing for an industrial school for girls or boys, nor any portion of chapter one hundred and thirty-six (136) of the Session Laws of 1899, entitled "An act to compel the elementary education of children in school districts of the first and second class;" but nothing in said act shall be held to prevent proceedings against any child within the ages prescribed by said act under this act as a juvenile disorderly person or delinquent child. All other acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 12. This act shall be liberally construed, to the end that its purpose may be carried out, to wit, that the care and custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help, and assistance.

SEC. 13. Whereas in the opinion of the general assembly an emergency exists, therefore this act shall take effect and be in force from and after its passage.

STATE OF COLORADO, *Office of the Secretary of State, ss:*

I, James Cowie, secretary of state of the State of Colorado, do hereby certify that the foregoing is a full, true, and complete transcript of senate bill No. 20,



of the fourteenth general assembly of the State of Colorado, approved March 7, 1903.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this — day of —, A. D. 1903.

—, *Secretary of State.*

AN ACT to provide for the punishment of persons responsible for or contributing to the delinquency of children.

*Be it enacted by the general assembly of the State of Colorado:*

SECTION 1. In all cases where any child shall be a delinquent child or a juvenile delinquent person, as defined by the statute of this State, the parent or parents, legal guardian or person having the custody of such child, or any other person, responsible for, or by any act encouraging, causing, or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed one thousand dollars (\$1,000.00), or imprisoned in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

SEC. 2. Whereas in the opinion of the general assembly an emergency exists, therefore this act shall be in full force and effect from and after its passage.

STATE OF COLORADO, *Office of the Secretary of State, ss:*

I, James Cowie, secretary of state of the State of Colorado, do hereby certify that the foregoing is a full, true, and complete transcript of senate bill No. 19, of the fourteenth general assembly of the State of Colorado, approved March 7, 1903.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this — day of —, A. D. 1903.

—, *Secretary of State.*

AN ACT to provide for fees for district attorneys of the State of Colorado to be earned and collected in cases against juvenile delinquents.

*Be it enacted by the general assembly of the State of Colorado:*

SECTION 1. That no fees shall be allowed any district attorney in any case where the accused shall be a child or children 16 years of age or under, excepting where the proceedings shall be in accordance with the provisions of the statute of the State concerning delinquent children, unless such cases shall come within any exception provided for in said act.

SEC. 2. In all cases coming within the provisions of said act the following fees shall be taxed and allowed, and not otherwise: For each information filed and trial thereof in the county court in counties of the first and second class the sum of ten dollars (\$10.00), and in counties of all other classes the sum of fifteen dollars (\$15.00): *Provided*, In all cases where the form of delinquency would otherwise constitute a capital offense, and in all cases coming within any exception in the statute of this State concerning juvenile delinquents, the fee shall be as now provided by law in such cases: *And provided further*, That there shall be joined in one information all delinquent children charged or to be charged in connection with the same offense.

SEC. 3. Whereas in the opinion of the general assembly an emergency exists, therefore this act shall be in full force and effect from and after its passage.

STATE OF COLORADO, *Office of the Secretary of State, ss:*

I, James Cowie, secretary of state of the State of Colorado, do hereby certify that the foregoing is a full, true, and complete transcript of senate bill No. 20 of the fourteenth general assembly of the State of Colorado, approved March 7, 1903.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this — day of —, A. D. 1903.

—, *Secretary of State.*



AN ACT to confer original jurisdiction upon county courts in all criminal cases against minors.

*Be it enacted by the general assembly of the State of Colorado:*

SECTION 1. Original jurisdiction is hereby conferred upon the county courts in each of the several counties of this State in all criminal cases where, at the time of the filing of the information, the accused shall be a minor; and such courts shall hereafter be empowered to try such cases upon information filed by the district attorney of the judicial district in which such counties are situated.

SEC. 2. Petit juries for the trial of such cases shall be drawn and selected in the same manner as is now provided by law for the selection of such juries in the county courts of the State for trial of misdemeanor cases prosecuted in such courts.

SEC. 3. In all criminal cases in the county courts against minors the accused shall have the right to waive the right of trial by jury: *Provided, however,* That the judge of the court may, in all cases where a jury trial is waived, call a jury to try such cases notwithstanding such waiver.

SEC. 4. All proceedings upon information in the county courts, after the same are filed, except as herein otherwise provided, shall be the same as though such proceedings had been commenced in the district court.

SEC. 5. The district attorney of the proper judicial district in which such county shall be located shall be prosecuting attorney in such county courts, and shall exercise the same powers, perform the same duties, and receive the same compensation for his services therein, to be paid in the same manner as provided for by law for similar services in the district court.

SEC. 6. Nothing in this act shall be construed to prohibit the indictment by grand jury and trial in the district court of any person charged with a crime, whether misdemeanor or felony, against whom prosecution has not been commenced in the county court.

SEC. 7. The accused in any criminal case brought in the county court under this act shall have the right, at any time after the filing of the information and before plea has been actually made to the same, to file his application in writing in the county court, asking that said cause be transferred to the district court of the judicial district in which such county may be situated, whereupon it shall be the duty of the county court to transmit, or cause to be transmitted, the information and all other papers in said cause to such district court of such county with all convenient speed, when it shall be the duty of the district attorney and said district court to proceed with the disposition and trial of such cause as though originally brought in said district court.

SEC. 8. No appeal shall be taken from any judgment or decision of any county court, in any case prosecuted therein under the provisions of this act, to any district court; but writs of error shall lie from the supreme court as to such final judgments, and shall be prosecuted and disposed of in the same manner as writs of error to final judgments of the district court in criminal cases.

SEC. 9. All minors found guilty in the county court of any violation of any law of this State, or of any crime, may be subjected by such court to any of the terms and conditions of the probation system provided for in cases of delinquent children by the statute of this State, if in the opinion of the judge of such court it may be wise or proper, subject, however, to the provisions and limitations of this act.

SEC. 10. When any minor above the age of sixteen (16) years shall be found guilty in the county court of a violation of any law of this State, or any crime, after pronouncing sentence the judge may stay the execution of the sentence, conditioned upon the good behavior and satisfactory conduct of such minor under such conditions as the court may prescribe. If at any time during the stay of execution of the sentence it shall be made to appear to the satisfaction of the court that the sentence ought to be enforced, the court shall have the power to revoke the stay of execution and enforce the sentence immediately, and the term of such sentence shall commence from the date upon which the same is ordered to be enforced. No such execution shall be stayed to exceed a period of two years, and if at the expiration of the stay of execution, or at such time prior thereto as the court may deem proper, it shall appear to the satisfaction of the court that such person has complied faithfully with the conditions of his probation the court may suspend such sentence absolutely, in which case such person shall be relieved therefrom.

SEC. 11. Each person released upon probation as aforesaid shall be furnished by the court with a written statement of the terms and conditions of his release.



Each probation officer shall keep full records of all cases investigated by him and of all cases placed in his care by the court and of any other duties performed by him under this act.

SEC. 12. In the opinion of the general assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

STATE OF COLORADO, *Office of the Secretary of State, ss.:*

I, James Cowie, secretary of state of the State of Colorado, do hereby certify that the foregoing is a full, true, and complete transcript of senate bill No. 21, of the fourteenth general assembly of the State of Colorado, approved March 7, 1903.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this — day of —, A. D. 1903.

*Secretary of State.*

AN ACT concerning compulsory elementary education in school districts, and to amend sections 1, 4, and 7 of an act entitled "An act to compel the elementary education of children in school districts of the first and second class," approved April 12, 1899.

*Be it enacted by the general assembly of the State of Colorado:*

SECTION 1. That section 1 of the act entitled "An act to compel the elementary education of children in school districts of the first and second class," approved April 12, 1899, be, and the same is hereby, amended to read as follows:

"SECTION 1. That in all school districts of this State all parents, guardians, and other persons having care of children shall instruct them, or cause them to be instructed, in reading, writing, spelling, English grammar, geography, and arithmetic. In such districts every parent, guardian, or other person having charge of any child between the ages of eight (8) and sixteen (16) years shall send such child to a public, private, or parochial school for the entire school year during which the public schools are in session in such districts: *Provided, however,* That this act shall not apply to children over fourteen (14) years of age where such child shall have completed the eighth grade or may be eligible to enter any high school in such district, or where its help is necessary for its own or its parents' support, or where for good cause shown it would be for the best interests of such child to be relieved from the provisions of this act: *Provided further,* That if such child is being sufficiently instructed at home by a person qualified, such child shall not be subject to the provisions of this act: *And provided further,* That if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this act.

"It shall be the duty of the superintendent of the school district, if there be such superintendent, and if not, then the county superintendent of schools, to hear and determine all applications of children desiring for any of the causes mentioned herein to be exempted from the provisions of this act, and if upon such application such superintendent hearing the same shall be of the opinion that such child is for any reason entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reasons for such exemption. An appeal may be taken from the decision of such superintendent so passing upon such application to the county court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court within ten days after its refusal by such superintendent, for which no fee to exceed the sum of one dollar shall be charged, and the decision of the county court shall be final. An application for release from the provisions of this act shall not be renewed oftener than once in three months."

SEC. 2. That section 4 of said act shall be, and the same is hereby, amended to read as follows, to wit:

"SEC. 4. Every child within the provisions of this act who does not attend school, as provided in section 1 of this act, or who is in attendance at any public, private, or parochial school, and is vicious, incorrigible, or immoral in conduct, or who is an habitual truant from school, or who habitually wanders about the streets and public places during school hours without any lawful occupation or employment, or who habitually wanders about the streets in the nighttime, having no employment or lawful occupation, shall be deemed a juvenile disorderly person and be subject to the provisions of this act."



SEC. 3. That section 7 of said act shall be, and the same is hereby, amended to read as follows, to wit:

"SEC. 7. Whenever a child shall be a juvenile disorderly person within the meaning of this act, the truant officer, or any school-teacher or other reputable person, may make complaint in the county court of the county in which such child resides. The county court shall hear and determine such complaint, and if it is determined that such child is a juvenile disorderly person within the meaning of this act, he or she shall be committed to a children's home, if eligible, or to the Boys' Industrial School, or to the Girls' Industrial School, or to some other training school, taking into account the years of the child with reference to the institution selected. Any child committed to a children's home, on its being shown to the judge of said court that it is incorrigible and vicious, may be transferred to the industrial school or other proper institution. No child committed to any reformatory shall be detained beyond its majority, and may be discharged sooner or paroled by the trustees or board of control under rules and restrictions applicable to other inmates. Any order of commitment may be suspended by the judge of the county court during such time as the child may regularly attend school and properly conduct itself. The expense of the transportation of the child to the juvenile reformatory, and of the costs of the case in which the order of commitment is made, shall be paid by the county from which the child is committed."

STATE OF COLORADO, *Office of the Secretary of State*, ss.:

I, James Cowie, secretary of state of the State of Colorado, do hereby certify that the foregoing is a full, true, and complete transcript of senate bill No. 22, of the fourteenth general assembly of the State of Colorado, approved March 7, 1903.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this — day of —, A. D. 1903.

*Secretary of State.*

FORMS AND BLANKS USED BY THE COLORADO JUVENILE COURT.

The following set of forms are in use by the Colorado court and may be found useful for adoption in other cities:

### FORM OF COMPLAINT.

STATE OF COLORADO, *City and County of Denver*, ss:

**In the juvenile court in the county court of the city and county of Denver.**

THE PEOPLE OF THE STATE OF COLORADO  
against

The complaint of \_\_\_\_\_, probation officer within and for said county, who, being first duly sworn, on oath says that he now is and at all times mentioned herein has been the probation officer in the city and county of Denver, in the State of Colorado; and that \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190\_\_\_\_, at said city and county of Denver, then and there, being a child 16 years of age or under and not then being an inmate of a State institution, or any institution incorporated under the laws of the State of Colorado, for the care and correction of delinquent children, did unlawfully \_\_\_\_\_, whereby and by force of the statute in such case made and provided the said child is deemed a juvenile delinquent person, contrary to the form of the statute in such case made and provided and against the peace and dignity of the people of the State of Colorado. He therefore prays that said child may be dealt with according to law.

Subscribed and sworn to before me this — day of —, A. D. 190—.

### COMPLAINT BLANK.

JUVENILE COURT, CITY AND COUNTY OF DENVER,  
 \_\_\_\_\_, 190—.

Complainant \_\_\_\_\_.  
Cause \_\_\_\_\_.  
Previous offenses \_\_\_\_\_.  
Person \_\_\_\_\_.  
Remarks \_\_\_\_\_

Name \_\_\_\_\_, Race \_\_\_\_\_,  
No. \_\_\_\_\_,  
Age \_\_\_\_\_. Address \_\_\_\_\_  
Charge \_\_\_\_\_,  
Date hearing \_\_\_\_\_.

Card No. \_\_\_\_\_  
 School \_\_\_\_\_  
 Grade \_\_\_\_\_  
 Teacher \_\_\_\_\_

|                                                    |    |                                                                             |           |               |           |
|----------------------------------------------------|----|-----------------------------------------------------------------------------|-----------|---------------|-----------|
|                                                    |    | Hearing on conduct and school attendance and continued for further hearing. |           |               |           |
|                                                    |    | Date hearing.                                                               |           | Continued to— |           |
| History:                                           | A. | Reports:                                                                    |           |               |           |
|                                                    |    |                                                                             |           |               |           |
|                                                    |    |                                                                             |           |               |           |
| Special orders:                                    | B. |                                                                             |           |               |           |
| Final disposition:                                 |    |                                                                             |           |               |           |
| Name.                                              |    | Age.                                                                        | Vocation. | Income.       | Nativity. |
| Father:                                            |    |                                                                             |           |               |           |
| Mother:                                            |    |                                                                             |           |               |           |
| Living together? ———. Do parents use liquors? ———. |    |                                                                             |           |               |           |
| Ever accused or convicted of any offense? ———.     |    |                                                                             |           |               |           |
| Name.                                              |    |                                                                             | Vocation. | Income.       |           |
| Brothers:                                          |    |                                                                             |           |               |           |
| Sisters:                                           |    |                                                                             |           |               |           |

**Family history and environments:**

### PROBATION OFFICER'S REPORT.

**STATE OF COLORADO, City and County of Denver, ss:**

**In the juvenile court.**

**To the honorable . . . , judge of the juvenile court of the city and county of Denver;**

The undersigned, a probation officer of this court, respectfully reports that on or about the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190\_\_\_\_, one \_\_\_\_\_, a \_\_\_\_\_ of about the age of \_\_\_\_\_ years (Docket No. \_\_\_\_\_), and residing with \_\_\_\_\_ at \_\_\_\_\_ street, was placed in my charge.

Visits: (Give here number and times of visits so far as practicable.)

Parents and home surroundings: (Here state names and character of parents and character and description of home surroundings.)



School, as reported by teacher:

Name of school \_\_\_\_\_.

Attendance \_\_\_\_\_.

Progress \_\_\_\_\_.

Conduct \_\_\_\_\_.

Remarks \_\_\_\_\_.

Employment, as reported by employer:

Where employed and by whom \_\_\_\_\_.

Kind of work \_\_\_\_\_.

Diligence \_\_\_\_\_.

Regularity \_\_\_\_\_.

Remarks: (Here give general remarks and such recommendations as the probation officer thinks will be helpful to the court.)

Respectfully submitted.

\_\_\_\_\_, Probation Officer.

(Indorsed:) Juvenile court, No. \_\_\_\_\_, city and county of Denver. Probation officer's report. Filed this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 190\_\_\_\_\_, \_\_\_\_\_, clerk.

#### EMPLOYER'S REPORT ON PROBATIONER.

[The juvenile court, chambers of Ben B. Lindsey, judge. City and county of Denver.]

Mr. \_\_\_\_\_.

DEAR SIR: The juvenile court, through its probation officers, endeavors to keep a friendly supervision over its wards. It will be a favor to the court if you will kindly furnish, confidentially, the information indicated below.

To the judge of the juvenile court of the city and county of Denver:

This is to certify that \_\_\_\_\_, a ward of the juvenile court, has been in the employ of \_\_\_\_\_ during the month ending \_\_\_\_\_, 190\_\_\_\_\_.

He has worked \_\_\_\_\_ days.

His record as to industry has been \_\_\_\_\_.

His record as to behavior has been \_\_\_\_\_.

If discharged, for what cause \_\_\_\_\_.

Remarks: \_\_\_\_\_.

\_\_\_\_\_, Employer or Foreman.

To the employer:

Please fill out the foregoing report and forward at once. If the boy is discharged at any time, please give notice at once. Send report to

\_\_\_\_\_, Probation Officer.

#### DETENTION HOUSE REPORT.

DETENTION HOUSE, DENVER, \_\_\_\_\_.

To the honorable the Judge of the Juvenile Court of the City and County of Denver:

In compliance with an act to regulate the treatment and control of dependent, neglected, and delinquent children, in force July 1, 1899, I hereby transfer to said juvenile court the report and case of \_\_\_\_\_.

\_\_\_\_\_, Superintendent.

#### HISTORY OF CASE.

Name of child: \_\_\_\_\_. Age: \_\_\_\_\_.

Present state of health: \_\_\_\_\_. Physician: \_\_\_\_\_.

Father's name, nationality, and creed: \_\_\_\_\_. Address: \_\_\_\_\_.

Mother's name, nationality, and creed: \_\_\_\_\_. Address: \_\_\_\_\_.

Father's occupation and income: \_\_\_\_\_.

Mother's occupation and income: \_\_\_\_\_.

Legal guardian, if any: \_\_\_\_\_. Address: \_\_\_\_\_.

Attends what school: \_\_\_\_\_. Teacher's name: \_\_\_\_\_.

This child has been arrested on different other occasions. Give particulars and dates: \_\_\_\_\_.

Remarks and recommendations: \_\_\_\_\_.

\_\_\_\_\_, Superintendent.

In addition to above history of case send any papers in case.

The report above is indorsed as follows: Juvenile court No. —, city and county of Denver. Detention house report: —. Witnesses: —. Filed this — day of —, A. D. 190—. —, Clerk.

## SCHOOL ATTENDANCE CARD.

[Juvenile court, city and county of Denver.]

This is to certify that the child below named is under the jurisdiction of the juvenile court and must report to said court every two weeks.

Name: —.

Address: —.

Name of school: —.

Location: —.

Date of notice: —.

The next juvenile court day: —.

—, Probation Officer.

## TEACHER'S REPORT TO JUVENILE COURT.

DENVER, COLO., —, 190—.

School: —.

Name in full: —.

Age: —. Grade: —.

Department: —. Attendance: —.

Remarks: —.

—, Teacher.

## TRUANT OFFICER'S SPECIAL REPORT.

[Juvenile court, city and county of Denver. To be sent to juvenile court in instances where truant officer's efforts to place children in school have been harassed by cases of habitual truancy, delinquent children, parental indifference, extreme poverty, etc.]

Child's name and address: —.

Offense: —. Date of last offense: —.

Child's age: —. Sex: —. School: —.

Name of father or head of family: —. Occupation: —.

Name of mother: —. Occupation: —.

Nationality and creed of father: —. Nationality and creed of mother: —.

Are parents able to furnish proper clothing for child? —.

Is the parent indifferent about child's school attendance? —.

Has the child ever been arrested? —. If so, state cause of arrest: —.

Do parents consent or object to child's commitment to industrial school: —.

History of case: —.

Denver, —, 190—.

—, Truant Officer.

Truant officers will recommend in above report what they believe would be the most effective plan for the judge to adopt for the reform of the offender.

## ADMONITORY LETTER.

JUVENILE COURT, ROOM 26 A, COURT-HOUSE,  
Denver, Colo., —.

Master —, City.

It is very important that boys reporting to the juvenile court should be in the court room at 9 o'clock sharp on each juvenile court day. The next report day is —. Hereafter boys who do not report at the incoming of court, 9 a. m., unless some very good excuse is furnished, may be detained several hours until their reports can be taken. Boys should make it a point to get up earlier and be here on time, so that all the boys may get away and have their holiday with as little interference as possible.



*Parole blank, industrial school.*

| Name. | Age. | Sentenced. | Offense. | Paroled. | To whom. |
|-------|------|------------|----------|----------|----------|
|       |      |            |          |          |          |

## INDIANA.

CHAPTER CCXXXVII.—AN ACT providing for a juvenile court, providing for the appointment of probation officers, outlining their duties and specifying their compensation; providing a lawful method of procedure against juvenile delinquents, specifying places for their temporary and permanent detention, and the compensation for their care, providing for time and place of trial; providing that no destitute girl shall be sent to the industrial school for girls; providing for the approval of the board of State charities in certain contingencies; repealing laws inconsistent herewith, and declaring an emergency.

[S. 363. Approved March 10, 1903.]

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That in every county of this State containing a city with a population of one hundred thousand inhabitants, according to the last preceding United States census, there shall be created a special court, to be known as the juvenile court, which shall have jurisdiction in all cases relating to children, including juvenile delinquents, truants, children petitioned for by boards of children's guardians, and all other cases where the custody or legal punishment of children is in question, but said court shall not have probate jurisdiction. The judge of said court shall be known as the judge of the juvenile court and shall be elected by the qualified voters of said county at the time of the general election of State officers, shall hold his office for a term of four years, or until his successor is elected, shall be removed from office in the same manner as the judge of the circuit court is removed, shall receive a salary of \$2,500 per year, payable by the county wherein situated, and to be eligible for the office shall be a citizen of and a legal voter of the State and a parent, and not less than forty years of age. Pending the next general election after the taking effect of this act, the governor of the State shall appoint a suitable person to be judge of the juvenile court, who shall serve till his successor shall be elected. The clerk of the circuit court shall be the clerk of the juvenile court and shall keep a record of the proceedings in a book to be known as the juvenile record. Corresponding appropriations for the support of the juvenile court are made for the circuit court shall be made by the county council. A room shall be set apart in the court-house for the use of said juvenile court and shall be known as the juvenile court room: *Provided*, That in those counties that do not contain a city with 100,000 inhabitants, the judge of the circuit court shall be the judge of the juvenile court: *Provided*, That no child need be tried in the juvenile court on a charge of truancy except he be a resident of a city containing one hundred thousand (100,000) inhabitants.

SEC. 2. In every county of this State having a population of fifty thousand (50,000) or above, according to the last preceding United States census, there shall be appointed by the judge of the circuit court having jurisdiction one discreet person of good moral character, who shall be known as probation officer, and shall serve during the pleasure of the court, and shall receive for his or her services the sum of three dollars (\$3.00) per day for each day or part of a day he may be actually on duty. Said sum to cover salary and necessary official expenses, and to be paid by the county treasurer out of any funds appropriated for the use of the judge of the circuit court, upon itemized vouchers sworn to by said officer and certified to by the judge of the circuit court: *Provided*, That said judge of the circuit court, if in his opinion the circumstances require, may appoint a second person to serve as probation officer, who shall receive the same compensation as is above indicated: *And provided*, That said judge of the circuit court may appoint as probation officers such other discreet persons of good moral character as are willing to serve without compensation from the court: *And provided*, That in counties having a population of less than fifty thousand (50,000) the circuit judge having jurisdiction may appoint one discreet person of good moral character as probation officer, who shall be compensated as above indicated, and may appoint such other discreet persons of good moral character as probation officers who are willing to serve without compensation from the court: *Provided*, That in counties where a special juvenile court is established under section 1 of this act



the probation officer or officers shall be appointed by the judge of the juvenile court and serve at his pleasure and be paid on his order. It shall be the duty of the clerk of the circuit court immediately on the appointment of a probation officer to notify all courts and magistrates of any county in which said officer is appointed, giving them the name and post-office address of such officer. The duties of said probation officer or officers shall be such as are hereinafter described.

SEC. 3. Whenever a complaint is made or pending against any boy under the age of sixteen years and up to his seventeenth birthday, or any girl under the age of seventeen years and up to her eighteenth birthday, for the commission of any offense not punishable by law with imprisonment for life, or for which the penalty is death, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate at once and before any other proceedings are had in the case, to give notice in writing of the pendency of said cause to the probation officer for his county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notice the probation officer shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same in writing to the court or magistrate, who shall advise and counsel with the said probation officer; and if upon such investigation and consultation it shall appear to the court or magistrate before whom the complaint is made that said child is guilty as charged, he shall immediately certify the case to the juvenile court and transmit therewith all papers relating thereto, and, if upon due hearing of such cause it shall appear to the judge of the juvenile court that the public interest and the interest of the child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardians, or friends; or he may authorize such probation officer to take such child and place him in the family of some suitable person, to remain until he or she shall have attained the age of twenty-one years, or for any less time, or place him in the care of the County Orphans' Home, or some institution managed by an incorporated association, or an individual, and devoted to the care of such children; said institution to be situated in the State of Indiana, and to be inspected at least once a year and approved by the board of State charities, and to receive for its services a per diem of twenty-five cents for each day said child may be in its custody; said per diem to be paid by the county sending the child, upon itemized vouchers certified to by the probation officer, or the court may impose a fine or suspend sentence for a definite or indefinite period; or, if the child is found guilty of the offense charged, and appears to be wilfully wayward and unmanageable, the court may cause him or her to be sent to the reform school for boys [the Indiana Boys' School], the Industrial School for Girls, or to any State penal or reformatory institution authorized by law to receive such boy or girl, subject to such conditions as are already provided by law for the reception of children in said schools or institutions; and in such cases the report of the probation officer shall be attached to the commitment and the child shall be placed in charge of the probation officer, or some person designated by him, to be conveyed under his direction to the institution: *Provided*, That a woman shall always be sent with the girls so committed, for which services the same fees and expenses shall be allowed as are paid for girls in like cases: *And provided*, That the court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purposes without charge: *And provided*, That from and after the taking effect of this act no girl under the age of fifteen years shall be committed by any court to the Industrial School for Girls on complaint and due proof thereof by the township trustee of the township where such infant resides, that such infant is destitute of a suitable home and adequate means of obtaining an honest living, or that she is in danger of being brought up to lead an idle or immoral life: *Provided*, That when any child contemplated by this act shall be sentenced to confinement in any institution to which adult convicts are sentenced it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present: *And provided*, That in every trial of any such child he shall be entitled to a trial by a jury of twelve persons if he shall so elect: *And provided*, That if any such boy or girl against whom a complaint is made is unable to give bond and the magistrate does not release him or her on his or her own recognizance, then said boy or girl shall be entitled to an immediate hearing and trial in the juvenile court according to law.

SEC. 4. All trials of such children as are affected by this act shall be held in chambers or in the juvenile court room. The judge of such court shall designate



a certain time for the trials of such cases, and is hereby empowered to exclude from the court room at such trials any and all persons that in his opinion are not necessary for the trial of the case. The probation officer shall be present at every trial in the interest of the child on trial.

SEC. 5. The judge of the circuit court, in counties where a superior court is established, shall have authority, if necessary, to enable such judge better to discharge his duties as judge of the juvenile court, to transfer to such superior court causes pending in such circuit court of which such superior court has concurrent jurisdiction.

SEC. 6. Said probation officer shall report his disposition of any child placed in his charge to the judge of the juvenile court, also to the board of State charities. Unless excused by the court, he shall visit every child placed in his charge twice a year at least, and as much oftener as may seem to the court to be necessary, and he shall make a report of each visit to a child to the court and to the board of State charities, which report shall set forth the conditions surrounding the child at the time of the visit.

SEC. 7. No court or magistrate or peace officer shall place a child under the age of fourteen years in any jail or police station or lock-up pending trial, but if such child is unable to give bail it may be placed in the care of the sheriff, police matron, or probation officer, who shall keep such child in some suitable place, provided by the county, pending the final disposition of its case; said county shall have the power to contract for their care with any association or individual possessing facilities for safe-keeping and proper care of such children, situated within the State of Indiana: *Provided*, That such facilities and care shall have the approval of the board of State charities, and that a per diem not to exceed that allowed by law to the board of children's guardians shall be the compensation to such association or individual for such care of any child placed in charge: *And provided*, That the actual expenses of the transfer of a child to and from such place of care shall be paid by the county on itemized vouchers, in accordance with law, and in all preliminary proceedings against the child, said child shall not appear in person before the court or magistrate, but shall be represented there by the probation officer: *Provided*, That when a complaint is made by a board of children's guardians in the case of a neglected or ill-treated child, the circuit judge may place said child in the care of the probation officer pending final hearing, in which case the duties of such probation officer shall be the same as pertain to the children contemplated by this act: *And provided*, That in any county where no probation officer shall have been appointed the truant officer of that county designated by the judge of the circuit court shall act as probation officer and receive the same compensation specified in section 2 for such services as he may render as probation officer.

SEC. 8. All associations or individuals maintaining institutions and receiving children under this act shall be subject to the same visitation, inspection, and supervision by the board of State charities as are the public charitable and penal institutions of this State, and it shall be the duty of said board of State charities to pass annually upon the fitness of every such association or individual as may receive, or desire to receive, children under the provisions of this act, and every such association or individual shall annually, at such time as said board shall direct, make report thereto, showing its condition, management, and competency to adequately care for such children as are or may be committed to it, and such other facts as said board may require, and upon said board being satisfied that such association or individual is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said board, and no child shall be committed to any such association or individual which shall not have received such certificate within fifteen months next preceding the commitment. The court may at any time require from any such association or individual receiving or desiring to receive children under the provisions of this act such reports, information, and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association or individual whose standing, conduct, or care of children or ability to care for the same is not satisfactory to the court: *Provided*, That all institutions in this State devoted to the care of dependent, neglected, and orphan children, whether supported in whole or in part by public funds, or receiving no public aid, shall be visited and inspected by said board of State charities.

SEC. 9. No association whose objects may embrace the caring for dependent, neglected, or delinquent children shall hereafter be incorporated in this State unless the proposed articles of incorporation shall first have been submitted to the board of State charities, and the secretary of state shall not issue a certificate of incorporation unless there shall be first filed in his office the certificate of said



board of State charities that said board has examined the said articles of incorporation and that, in the judgment of said board, the incorporators are reputable persons, that the proposed work is needed, and the incorporation of such association is desirable and for the public good; amendments proposed to the articles of incorporation or association having as its object the care and disposal of dependent, neglected, or delinquent children shall be submitted in like manner to the board of State charities, and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office a certificate of the board of State charities that they have examined the said amendment, that the association is, in their judgment, performing in good faith the work undertaken by it, and that the said amendment is, in their judgment, a proper one and for the public good.

SEC. 10. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care, custody, and discipline of the child may approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done the child is to be placed in an approved family home and become a member of the family by legal adoption or otherwise.

SEC. 11. All laws and parts of laws not consistent herewith are hereby repealed.

SEC. 12. There being an emergency, this act is ordered to be in force and effect immediately upon its passage.

### PENNSYLVANIA.

#### JUVENILE LAWS OF 1903.

No. 205.—AN ACT defining the powers of the several courts of quarter sessions of the peace within this Commonwealth with reference to the care, treatment, and control of dependent, neglected, incorrigible, and delinquent children under the age of sixteen years, and providing for the means in which such power may be exercised.

Whereas the welfare of the State demands that children should be guarded from association and contact with crime and criminals, and the ordinary process of the criminal law does not provide such treatment and care and moral encouragement as are essential to all children in the formative period of life, but endangers the whole future of the child; and

Whereas experience has shown that children lacking proper parental care or guardianship are led into courses of life which may render them liable to the pains and penalties of the criminal law of the State, although in fact the real interests of such child or children require that they be not incarcerated in penitentiaries and jails as members of the criminal class, but be subjected to a wise care, treatment, and control, that their evil tendencies may be checked and their better instincts may be strengthened; and

Whereas to that end it is important that the powers of the courts in respect to the care, treatment, and control over dependent, neglected, delinquent, and incorrigible children should be clearly distinguished from the powers exercised in the administration of the criminal law:

SECTION 1. *Be it enacted, etc.*, That the courts of quarter sessions of the peace within the several counties of this Commonwealth shall have and possess full jurisdiction in all proceedings which may be brought before them affecting the treatment and control of dependent, neglected, incorrigible, and delinquent children under the age of sixteen years; and for the purpose of this act the words "dependent child" and "neglected child" shall mean any child who is destitute, homeless, abandoned, or dependent upon the public for support or who has not proper parental care or guardianship. The words "incorrigible children" shall mean any child who is charged by its parent or guardian with being unmanageable. The words "delinquent child" shall mean any child, including such as have heretofore been designated "incorrigible children," who may be charged with the violation of any law of this Commonwealth or the ordinance of any city, borough, or township.

The powers of the court of quarter sessions of the peace, as provided for in this act, may be exercised by any one or more judges of such court who may be assigned for the purpose at a session of said court which shall be known as the juvenile court; and all sessions of such juvenile court shall be held separate and apart from any session of the court held for the purpose of its general criminal or other business, and the records of the proceedings of such juvenile court shall be kept in a docket separate from all other proceedings of said court.

SEC. 2. The powers of the court may be exercised:

(1) Upon the petition of any citizen, resident of the county, setting forth that a



child is neglected, dependent, or delinquent, and is in need of the care and protection of the court.

(2) Whenever any magistrate or justice of the peace, in committing a child arrested for an indictable offense, shall certify that in his opinion the good of the child and the interests of the State do not require a prosecution upon an indictment under the criminal laws of the Commonwealth.

(3) Whenever, after return made by a magistrate of the proceedings, upon the arrest of such delinquent child for an indictable offense, the district attorney of the county, either before or after the indictment, shall certify that in his opinion the good of the child and the interests of the State do not require a prosecution upon an indictment under the criminal laws of this Commonwealth.

(4) Whenever, upon the trial of any indictment of such delinquent child, the judge trying the cause is of opinion that the good of the child and the interests of the State do not require a conviction under the criminal laws of this Commonwealth.

Upon the filing of any petition as above set forth, or whenever the jurisdiction of the court has attached by the filing of a certificate of a magistrate or justice of the peace or of the district attorney or by the action of a judge, as above set forth, it shall be within the power of the judge holding said juvenile court to make all necessary orders for compelling the production of such child and the attendance of the parents and all persons having the custody or control of the child or with whom the child may be; and pending the final disposition of any case the child shall be subject to the order of the court and may be permitted to remain in the control of its parents or the person having it in charge or of the probation officer, or may be kept in some place provided by the State or county authorities or by any association having for one of its objects the care of delinquent or neglected children, as the court may order.

SEC. 3. The court shall appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court, said probation officers to receive no compensation from the public treasury; and it shall be the duty of all probation officers so appointed to make such investigations as may be required by the court, to be present in court when the case is heard, and to furnish to the court such information and assistance as the judge may require, and to take such charge of any child, before and after trial, as may be directed by the court.

SEC. 4. At the hearing the judge or judges holding such session of the court shall determine, after an inquiry into the facts, what order for the commitment and custody and care of the child, the child's own good, and the best interests of the State may require, and may commit such child to the care of its parents, subject to the supervision of a probation officer, or to some suitable institution, or the care of some reputable citizen of good moral character, or to the care of some training school or to an industrial school, or the care of some association willing to receive it; and in either such case it shall be within the power of the court to make an order upon the parent or parents of any such child to contribute to the support of the child such sum as the court may determine; it being further provided that, in all cases in which a delinquent child shall be committed to the care of a reformatory institution, when such child shall be discharged from such institution the court shall be duly advised thereof and a record of such discharge shall be kept in the juvenile court docket.

SEC. 5. In any case where the court shall award a dependent child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may, by its or his attorney or agent, appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

SEC. 6. In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer duly appointed by the court, and may allow said child to remain in its own home subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary; or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home subject to the super-



vision of such probation officer, or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child to a suitable institution for the care of delinquent children, or to any society, duly incorporated, having for one of its objects the protection of dependent or delinquent children.

SEC. 7. No child, pending a hearing under the provisions of this act, shall be held in confinement in any county or other jail, police station, or in any institution to which adult convicts are sentenced.

SEC. 8. No order for the commitment of any child, in any proceedings had under this act, shall extend to a period beyond when such child shall attain the age of twenty-one years.

SEC. 9. The court in making all orders for the commitment of children shall place them, as far as possible, in care and custody of persons having the same religious belief as the parents of the child, or with some association which is controlled by persons of such religious belief, and shall, as far as possible provide, in making orders of commitment, that the care, custody, and discipline of the child shall be as nearly as possible that which should be given by its parents. In all cases where it can properly be done the child shall be placed in an approved family home and become a member of the family by legal adoption or otherwise.

SEC. 10. It shall not be lawful to commit the custody of any delinquent child under the age of twelve years to any institution of correction or reformation unless after the care and oversight given such child under the probation system provided for by this act the court finds that the best interests of the child and the welfare of the community require such commitment; and it shall not be lawful to commit the custody of any neglected or dependent child who is delinquent to any institution of correction or reformation in which delinquent children are received, nor shall any delinquent child be committed to any institution in which dependent or neglected children are received.

SEC. 11. Nothing herein contained shall be in derogation of the powers of the courts of quarter sessions and oyer and terminer to try, upon an indictment, any delinquent child who in due course may be brought to trial.

SEC. 12. An act entitled "An act to regulate the treatment and control of dependent, neglected, and delinquent children under the age of sixteen years; providing for the establishment of juvenile courts; regulating the practice before such courts; providing for the appointment of probation officers; prohibiting the commitment to jail or police station of a child under fourteen years of age; providing for the appointment, compensation, and duties of agents of juvenile reformatories; imposing certain duties upon the board of public charities of this State; regulating the incorporation of associations for the care of dependent, neglected, or delinquent children; prohibiting foreign associations from placing children in homes in this State, for adoption or under indenture, except under certain conditions; providing for the appointment of a board of visitors, and repealing acts and parts of acts inconsistent with the provisions of this act," approved the twenty-first day of May, one thousand nine hundred and one, and all acts or parts of acts inconsistent herewith, are repealed.

Approved the 23d day of April, A. D. 1903.

No. 65.—AN ACT to regulate the commitment of children under the age of sixteen years to institutions of correction or reformation.

SECTION 1. *Be it enacted, etc.*, That no child under the age of sixteen years shall be committed by any magistrate or justice of the peace to any institution for the purpose of correction or reformation, but all applications for such commitment shall be made to the court of quarter sessions of the county.

SEC. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved the 26th day of March, A. D. 1903.

No. 7.—AN ACT providing for the appointment of boards of visitation for institutions, societies, and associations caring for dependent, neglected, and delinquent children.

SECTION 1. *Be it enacted, etc.*, That it shall be the duty of the court of common pleas in each county within this Commonwealth to appoint a board, consisting of six or more reputable citizens, who shall serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year all institutions, societies, and associations into whose care and custody dependent, neglected, or delinquent children shall be committed under the provisions of the laws



of this Commonwealth. Said visit shall be made by not less than two of the members of the board, who shall go together and make a joint report. The said board of visitation shall make report to the court from time to time of the treatment the children receive by or in the charge of such institutions, societies, and associations, and shall make an annual report to the board of public charities in such form as the board may prescribe. The said board of visitation shall be entitled to receive from the county in which they shall be appointed such sum or sums of money for actual and necessary expenses as may be approved by the board of county commissioners.

Approved the 26th day of February, A. D. 1903.

No. 98.—AN ACT regulating the confinement of children under the age of sixteen years awaiting trial.

SECTION 1. *Be it enacted, etc.,* That it shall be the duty of the board of county commissioners, in each county of the Commonwealth, to provide in the county a separate room or rooms, or a suitable building, to be used exclusively for the confinement of any and all children under the age of sixteen years who may be in custody awaiting trial or hearing in the courts of the county.

Approved the 3d day of April, A. D. 1903.

No. 12.—AN ACT relating to institutions, associations, and societies having the care of delinquent, neglected, or dependent children.

SECTION 1. *Be it enacted, etc.,* That the institutions, associations, and societies into whose care the custody of delinquent, neglected, or dependent children may be committed by order of the courts of this Commonwealth shall be subject to the same visitation, inspections, and supervision of the board of public charities as the public charitable institutions of this State, and the courts of common pleas of this Commonwealth may require such information and statistics from such institutions, associations, or societies as said judges deem necessary in order to enable them to exercise a wise discretion in dealing with children. Every such institution, association, or society shall file with the board of public charities an annual written or printed report, which shall contain a statement of the number of children cared for during the year, the number received, the number placed in homes, the number died, the number returned to friends; also a financial statement showing the receipts and disbursements of such institutions, associations, or societies. The statement of receipts shall indicate the amount received from public funds, the amount received from donations, and the amount received from other sources, specifying the several sources. The statement of disbursements shall show the amount expended for salaries and other expenses, specifying the same; the amount expended for lands, buildings, and investments. The secretary of the board of public charities shall furnish to each of the said courts of common pleas a list of such institutions, associations, and societies filing such annual reports, and no child shall be committed to the care of any such institution, association, or society which shall not have filed a report for the fiscal year last preceding with the board of public charities.

Approved the 5th day of March, A. D. 1903.

## MARYLAND.

[Acts January session, 1904.]

CHAPTER 521.—AN ACT to repeal and reenact with amendments section 623 A of article 4 of the Code of Public Local Laws, title "City of Baltimore," as amended by the act of 1902, chapter 611, subtitle "Justices of the peace and constables."

SECTION 1. *Be it enacted by the general assembly of Maryland,* That section 623 A of article 4 of the Code of Public Local Laws, title "City of Baltimore," as amended by the act of 1902, chapter 611, subtitle "Justices of the peace and constables," be, and the same is hereby, repealed and reenacted so as to read as follows:

"623A. In addition to the justice of the peace mentioned in section 623 of this article there shall be appointed by the governor, by and with the advice and consent of the Senate, and if the senate shall not be in session by the governor, from the city of Baltimore at large an additional justice of the peace, to be known as the magistrate for juvenile causes, who shall be a member of the bar of the supreme bench of Baltimore city, and shall receive from the mayor and city coun-

cil of Baltimore city a salary of twenty-five hundred dollars per annum, payable monthly, and the jurisdiction and powers of such justice shall be as follows:

"1. He shall possess the general powers of a police justice of the peace, or justice of the peace selected to sit at a station house in the city of Baltimore, as the same are now or may hereafter be defined by law.

"2. He shall have exclusive jurisdiction where jurisdiction is given by law to any justice of the peace in Baltimore city in all cases of trial, commitment for trial, or commitment to any juvenile institution of any minor under the age of sixteen years; and such magistrate shall sit at such times as may be necessary for the proper discharge of his duties at such proper place in the court-house in Baltimore city as may be provided by the superintendent of public buildings.

"3. He is empowered to appoint a suitable person to act as his clerk, who shall receive from the mayor and city council of Baltimore a salary of seven hundred and fifty dollars per annum, payable monthly, and shall attend at such times and places and perform such duties as may be directed by said justice, and shall be removable by him at his discretion. Whenever any minor is arrested he may be taken to such place other than a station house as may be designated by said justice and provided by the superintendent of public buildings or the mayor and city council of Baltimore, but in the absence of such designation such minor may be held at a station house as heretofore until brought before the justice; and when such justice shall commit any minor for trial or for hearing he may commit such minor to a suitable juvenile institution or other suitable prison instead of the Baltimore city jail.

The board of police commissioners for the city of Baltimore shall designate two or more members of the police force to attend said justice and execute his powers and directions. In the absence of such justice the governor may designate another justice of the peace for Baltimore City to act in his place.

SECTION 2. *And be it further enacted*, That this act shall take effect from the date of its passage.

Approved Apr. 8, 1904.

[The great seal of Maryland.]

EDWIN WARFIELD,  
*Governor.*

GEORGE Y. EVERHART,  
*Speaker of the House of Delegates.*

SPENCER C. JONES,  
*President of the Senate.*

#### STATE OF MARYLAND, *Sec.:*

I, Thomas Parran, clerk of the court of appeals of Maryland, do hereby certify that the foregoing is a full and true copy of the act of the general assembly of Maryland, of which it purports to be a copy as taken from the original law, belonging to and deposited in the office of the clerk of the court of appeals aforesaid.

In testimony whereof I have hereunto set my hand as clerk and affixed the seal of the said court of appeals this 4th day of May, A. D. 1904.

[SEAL.]

THOMAS PARRAN,  
*Clerk Court of Appeals of Maryland.*

#### MISSOURI.

A juvenile court law applying to St. Louis and Kansas City was approved March 23, 1903. The county judges of Kansas City opposed the law for economic reasons and carried a test case to the State supreme court, claiming that as a "special law" applying to only two cities the law was unconstitutional. December 9 the constitutionality of the law was confirmed.

Mrs. Charlotte C. Eliot, of St. Louis, says: "The law has always been approved in St. Louis, and the last grand jury in their report declared that it had admirably fulfilled the purpose for which it was organized."

The court is a branch of the circuit court. The law is based on the Chicago law, but with many excisions and alterations to make it conform to the constitution of Missouri. The mode of appointment of probation officers is different. The chief probation officer is appointed by the circuit judges, and he appoints his assistants, subject to their approval.



## RHODE ISLAND.

## CHAPTER 581.—AN ACT relating to juvenile offenders.

[Passed June 15, 1898.]

*It is enacted by the general assembly as follows:*

SECTION 1. Whenever a minor under the age of sixteen years shall be brought before any court in the counties of Providence and Newport, in this State, charged with any crime or misdemeanor, said minor shall be arraigned and tried separate and apart from the arraignment and trial of other cases, but the provisions of this section or of the following sections shall not apply to any minor jointly charged or in any way connected with an older person or persons in the commission of any crime or misdemeanor.

SEC. 2. Said courts in said counties shall designate suitable times for the trial of such cases, to be called "The session for juvenile offenders," and of these sessions a separate docket and record shall be kept.

SEC. 3. It shall be the duty of the agent of the board of State charities and corrections, or such other person as they may appoint, or of the agent of the Rhode Island Society for the Prevention of Cruelty to Children, or the agent of the Saint Vincent de Paul Society, upon receiving notice thereof to be given by order of said court, to be present at the arraignment and trial of such juvenile offenders; to secure the service of counsel in their behalf, by and with the authority of the court; to learn all that is possible regarding said children for the purpose of aiding said court, and, generally, to take care of the interests of said children.

SEC. 4. In cases against juvenile offenders no court fees shall be allowed or taxed in any criminal case in any court in this State, neither shall costs be taxed for the services as witnesses or otherwise of any officer of a city or town having a salary or fixed compensation, or for the use of a team of a city or town, or for any other service or charge whatever that may be paid to any city or town.

SEC. 5. Whenever any child under thirteen years of age is held by any court for examination or trial, and said child is unable to furnish bail for such examination or trial, such court shall commit said child to the custody of said agent of the board of State charities and corrections, or to the agent of the Society for the Prevention of Cruelty to Children, or to the agent of the Saint Vincent de Paul Society, and said agent is hereby authorized to make all proper provisions for the safe-keeping of said child and for his presence at the examination or trial for which he is held, and said court, upon motion of said agent (or either of them), made at any time before sentence, may provisionally place any juvenile offender under his control and supervision until the further order of said court.

SEC. 6. No court shall commit any child under thirteen years of age to a jail or to the State prison in default of bail, for nonpayment of fine or costs, or both, or for any punishment for any offence not punishable by imprisonment for life, of which said child may have been adjudged guilty, but such commitment shall be to the Sockanosset School for Boys or the Oaklawn School for Girls.

SEC. 7. Juveniles when placed under arrest shall not be confined in any apartment in any police station with other offenders not juveniles.

SEC. 8. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect.

## NOTES FROM DIFFERENT STATES.

### CONNECTICUT.

Connecticut has no juvenile court. A general probation law, however, was approved May 22, 1903, which provides for the appointment of probation officers and defines their duties. Section 3 of this act says:

"Whenever any minor shall have been arrested, the clerk of the court before which said minor is brought shall, if practicable, notify said probation officer in advance, and said court may commit said minor to the care and custody of said probation officer, both before and after trial; and the trial of such minor shall, whenever practicable, be held in the chambers."

### DELAWARE.

Delaware has no juvenile court, but Mrs. Emalea Warner, of Wilmington, Del., writes that the matter has been discussed at several meetings. "We take this care, however—that our police matrons and our society agent are always with the children in court and the judge orders the court cleared when children come before it. The need of a juvenile court law, however, confronts us in Delaware."

### DISTRICT OF COLUMBIA.

There is no separate juvenile court in the District of Columbia. An arrangement, however, has been made between the District Commissioners, the justices of the police court, and other officials interested under which separate sessions are held daily for the trial of juvenile cases. The court is presided over by the police court judges, and is spoken of as the juvenile court. An attempt is made to pass upon children's cases in the method and in the spirit which characterizes the juvenile courts of other cities. A definite effort will be made to secure a juvenile court in the city of Washington and providing a special judge to take charge of it, and arranging to have its sessions held in a building distinct from the police-court machine of the District. Mr. John Wesley Douglass, agent of the Board of Children's Guardians, in his report to that board for the fiscal year ending June 30, 1903, says:

"The juvenile branch of the police court has continued its triweekly sessions for hearing children's cases, and the probation officer has made investigations and recommendations which have aided the court in making suitable dispositions. The general purpose and plan of the juvenile court is undoubtedly wise and has worked well in many ways, but in my judgment our present system can be improved very greatly by having a separate and distinct court, because (1) the present judges, already overworked, can not give the time necessary to inquire carefully and thoroughly into the lives and homes and parents of children brought before them; (2) the court rooms are not suited for children, either materially or in their prevailing atmosphere and accompaniments; (3) a juvenile court should meet daily, or twice a day, at a regular hour, and not, as now, at the convenience of another branch of the court; and (4) a juvenile court should have jurisdiction over all juvenile delinquents and dependents sought to be maintained at public expense, impossible as at present organized and administered. Other good reasons could be adduced. An ideal system for the District needs, as it appears to me, is briefly indicated thus:

"1. A modern centrally located house of detention, in which would be a suitable room for juvenile court.

"2. The establishment of a juvenile court, officered and equipped and clothed with ample authority, before which shall come all cases involving children under 16 years, whether as violators of law or as petitioners for public support.

"3. A reorganization of existing institutions and agencies so as to form a correlated system covering the entire field of public child caring and child saving in the District of Columbia. Under such a system public interest would be officially safeguarded and the rights and needs and placements of children properly adjusted."

### LOUISIANA.

In an act approved July 8, 1902 (act No. 136), it was provided that when any minor under the age of 16 years shall be charged with vagrancy or any other



offense the accused shall be brought before the court for a preliminary trial, and if the court is of the opinion that the accused may be guilty the date of the trial shall be fixed not earlier than three days after the date of such preliminary examination. It is made the duty of magistrates and sheriffs to keep such minors separate from prisoners, and judges are required, so far as practicable, to have a separate and distinct trial from the hour fixed for other cases.

## MASSACHUSETTS.

Massachusetts has no juvenile court, but Boston was one of the first cities to set apart special hours for the trial of juvenile offenders. The probation system was first developed in Massachusetts, and children under 17 are not tried until investigation has been made by the State agent or representatives of the Children's Aid Society and other organizations. In some of the courts the session for adults is formally adjourned and the room is cleared of all except those who have to do with juvenile cases, when such cases are called. In other courts the session for juveniles is held in a separate room or in the judge's private room. Mr. Charles W. Birtwell, secretary of the Massachusetts Children's Aid Society, favors the adoption of a juvenile court, and says:

"Unfortunately in all the courts juveniles under arrest are apt to be mixed with adults while waiting during the hour or so preceding the trial. If not under arrest but only summoned, they may wait in the outside lobbies, but get more or less mixed with the throng about and in the court room."

## MICHIGAN.

Michigan has no juvenile court. Under a law, however, approved May 19, 1901, provision is made for a separate trial and commitment of children, for separate confinement in jails, and for transportation of children separate from adult criminals. Mr. L. C. Storrs, secretary of the Board of Charities and Correction, after reciting the provisions of this law, says: "The county agency system of Michigan, by which delinquent children are under the special care and supervision of an agent in each county, is such that thus far Michigan has not felt it necessary to follow the provisions which are made in other States for a special juvenile court."

## NEW YORK.

[Report of the children's court of the city of New York for the year ending December 31, 1903.]

The children's court of the city of New York, first division, embraces Manhattan and the Bronx and is a branch of the court of special sessions. The justices serving in this court during the year ending December 31, 1903, were the following: Julius H. Mayer, William E. Wyatt, William C. Holbrook, Willard H. Olmsted, John B. McKean. During the year 7,646 persons were before the children's court in the city of New York, not including Brooklyn, which has a separate children's court. The disposition of these cases and some interesting classifications concerning them are given in the following tables:

[Court of special sessions, children's court.]

*Fine table.*

|                | Violation<br>corpora-<br>tion ordi-<br>nance. | Violation<br>section 675,<br>Penal<br>Code. | Sabbath<br>breaking. | Violation<br>liquor-tax<br>law. | Miscella-<br>neous. | Total. |
|----------------|-----------------------------------------------|---------------------------------------------|----------------------|---------------------------------|---------------------|--------|
| 1903.          |                                               |                                             |                      |                                 |                     |        |
| January.....   |                                               | \$3.00                                      |                      |                                 |                     | \$3.00 |
| February.....  |                                               | 15.00                                       |                      |                                 |                     | 15.00  |
| March.....     | \$20.00                                       |                                             | \$5.00               |                                 |                     | 25.00  |
| April.....     | 3.00                                          | 10.00                                       |                      |                                 |                     | 13.00  |
| May.....       | 32.00                                         | 177.00                                      |                      |                                 | \$43.00             | 252.00 |
| June.....      |                                               | 58.00                                       |                      |                                 | 6.00                | 64.00  |
| July.....      |                                               | 14.00                                       |                      |                                 | 3.00                | 17.00  |
| August.....    | 3.00                                          | 56.00                                       |                      |                                 |                     | 59.00  |
| September..... |                                               |                                             |                      |                                 |                     |        |
| October.....   |                                               | 10.50                                       |                      | \$50.00                         | 6.00                | 66.50  |
| November.....  |                                               | 30.00                                       |                      |                                 |                     | 30.00  |
| December.....  | 7.00                                          | 14.00                                       |                      |                                 |                     | 21.00  |
| Total.....     | 65.00                                         | 387.50                                      | 5.00                 | 50.00                           | 58.00               | 565.50 |

TABLE A.—Whole number of persons arraigned at the court of special sessions of the first division of the city of New York, children's court, during the year ending December 31, 1903.

|                                                                | Male. | Female. | Total. |
|----------------------------------------------------------------|-------|---------|--------|
| Number of persons arrested by the police without process ..... | 6,621 | 737     | 7,358  |
| Number of persons arrested by warrant .....                    | 288   | 1       | 289    |
| Total .....                                                    | 6,909 | 738     | 7,647  |

TABLE B.—Number of persons convicted, the number of persons discharged, and the number of persons whose cases are pending in the court of special sessions of the first division of the city of New York, children's court, during the year ending December 31, 1903.

|                                                          | Male. | Female. | Total. |
|----------------------------------------------------------|-------|---------|--------|
| Number of persons convicted .....                        | 4,360 | 430     | 4,790  |
| Number of persons discharged, comprising total of cases: |       |         |        |
| (1) When no formal complaints were taken .....           | 958   | 54      | 1,012  |
| (2) Acquittals .....                                     | 1,564 | 243     | 1,807  |
| Number of cases pending .....                            | 27    | 11      | 38     |
| Total .....                                              | 6,909 | 738     | 7,647  |

TABLE C.—Whole number of persons convicted and committed to reformatory and other institutions, the number released (not including pending parole cases), and the number placed on parole at the court of special sessions of the first division of the city of New York, children's court, during the year ending December 31, 1903.

|                                                       | Male. | Female. | Total. |
|-------------------------------------------------------|-------|---------|--------|
| Number of persons convicted and committed .....       | 1,372 | 295     | 1,667  |
| Committed to reformatory and other institutions ..... | 1,344 | 295     | 1,639  |
| Committed in default of payment of fine .....         | 28    |         | 28     |
|                                                       | 1,372 | 295     | 1,667  |
| Number of persons released .....                      | 5,310 | 424     | 5,734  |
| No formal complaints taken .....                      | 958   | 54      | 1,012  |
| Acquitted .....                                       | 1,564 | 243     | 1,807  |
| On suspended sentence after conviction .....          | 2,621 | 127     | 2,748  |
| Released by payment of fine .....                     | 167   |         | 167    |
|                                                       | 5,310 | 424     | 5,734  |
| Number of persons paroled .....                       | 1,080 | 37      | 1,117  |
| Sentence suspended after parole .....                 | 762   | 17      | 779    |
| Committed after parole .....                          | 136   | 12      | 148    |
| On parole pending disposition .....                   | 182   | 8       | 190    |
|                                                       | 1,080 | 37      | 1,117  |



TABLE D.—Whole number of persons committed to reformatory and other institutions from the court of special sessions of the first division of the city of New York, children's court, during the year ending December 31, 1903.

| Number of persons committed to—                                     | Male.        | Female.    | Total.       |
|---------------------------------------------------------------------|--------------|------------|--------------|
| American Female Guardian Society .....                              | 18           | 16         | 34           |
| Asylum of Sisters of St. Dominick .....                             | 49           | 23         | 72           |
| Colored Orphan Asylum .....                                         | 2            | 3          | 5            |
| Dominican Convent of Our Lady of the Rosary .....                   | 31           | 21         | 52           |
| Five Points House of Industry .....                                 | 4            | —          | 4            |
| House of Mercy .....                                                | —            | 6          | 6            |
| House of Good Shepherd .....                                        | —            | 22         | 22           |
| House of Refuge .....                                               | 156          | 27         | 183          |
| Hebrew Orphan Asylum .....                                          | 2            | 1          | 3            |
| Hebrew Sheltering Guardian Society .....                            | 7            | 1          | 8            |
| Institution of Mercy and St. Joseph's Home .....                    | 19           | 17         | 36           |
| Institution of Missionary Sisters, Third Order of St. Francis ..... | 30           | 25         | 55           |
| Mission of the Immaculate Virgin .....                              | 29           | 15         | 44           |
| Nursery and Child's Hospital .....                                  | 9            | 10         | 19           |
| New York Catholic Protectory .....                                  | 550          | 26         | 576          |
| New York Juvenile Asylum .....                                      | 351          | 36         | 386          |
| St. Joseph's Home .....                                             | 25           | —          | 25           |
| St. Agatha's Home .....                                             | 61           | 43         | 104          |
| Society Prevention Cruelty to Children .....                        | 6            | 4          | 10           |
| Truant School .....                                                 | 33           | —          | 33           |
| <b>Total</b> .....                                                  | <b>1,382</b> | <b>286</b> | <b>1,677</b> |

TABLE E.—Nature of all offenses charged, and whether discharged, convicted, or pending, at the court of special sessions of the first division of the city of New York, children's court, during the year ending December 31, 1903.

| Offenses.                                  | Discharged.  |            | Convicted.   |            | Pending.  |           | Total.       |
|--------------------------------------------|--------------|------------|--------------|------------|-----------|-----------|--------------|
|                                            | Male.        | Female.    | Male.        | Female.    | Male.     | Female.   |              |
| Arson .....                                | 1            | —          | 4            | —          | —         | —         | 5            |
| Assault (felony) .....                     | 41           | —          | 25           | —          | —         | —         | 66           |
| Assault (misdemeanor) .....                | 93           | —          | 55           | —          | 1         | —         | 149          |
| Attempt at suicide .....                   | —            | 5          | —            | —          | —         | —         | 5            |
| Burglary .....                             | 193          | 2          | 201          | 3          | —         | —         | 399          |
| Carrying burglars' tools .....             | 1            | —          | 4            | —          | —         | —         | 5            |
| Crime against nature .....                 | 1            | —          | 1            | —          | —         | —         | 2            |
| Cruelty to animals .....                   | 1            | —          | 1            | —          | —         | —         | 2            |
| Disorderly child (consolidation act) ..... | 87           | 22         | 411          | 66         | 2         | —         | 588          |
| Disorderly child (§ 291, P. C.) .....      | —            | —          | 69           | 3          | 4         | 1         | 77           |
| Exposure of person, indecent .....         | 5            | —          | 1            | —          | —         | —         | 6            |
| Felonies not otherwise classified .....    | 8            | —          | 4            | —          | —         | —         | 12           |
| Forgery .....                              | 3            | —          | 3            | —          | —         | —         | 6            |
| Fugitive from justice .....                | 1            | —          | —            | —          | —         | —         | 1            |
| Gambling .....                             | —            | —          | 1            | —          | —         | —         | 1            |
| Homicide .....                             | 2            | —          | —            | —          | —         | —         | 2            |
| Improper guardianship (§ 291, P. C.) ..... | 522          | 241        | 482          | 315        | 12        | 10        | 1,582        |
| Insanity .....                             | —            | 1          | 1            | —          | —         | —         | 2            |
| Larceny (felony) .....                     | 137          | 3          | 156          | 4          | —         | —         | 300          |
| Larceny (misdemeanor) .....                | 431          | 7          | 470          | 15         | 4         | —         | 927          |
| Maiming .....                              | —            | —          | 1            | —          | —         | —         | 1            |
| Malicious mischief (felony) .....          | —            | —          | 2            | —          | —         | —         | 2            |
| Malicious mischief (misdemeanor) .....     | 31           | —          | 41           | —          | —         | —         | 72           |
| Misdemeanor not otherwise classified ..... | 66           | 7          | 208          | 15         | —         | —         | 296          |
| Obscene literature and prints .....        | —            | —          | 1            | —          | —         | —         | 1            |
| Rape .....                                 | 2            | —          | 1            | —          | —         | —         | 3            |
| Receiving stolen goods .....               | 3            | —          | —            | —          | —         | —         | 3            |
| Robbery .....                              | 32           | —          | 32           | —          | —         | —         | 64           |
| Sabbath breaking .....                     | —            | —          | 3            | 1          | —         | —         | 4            |
| Unmanageable child (§ 291, P. C.) .....    | 18           | 2          | 27           | 5          | 1         | —         | 53           |
| Violation compulsory education law .....   | 14           | 3          | 40           | 1          | —         | —         | 58           |
| Violation corporation ordinance .....      | 11           | 1          | 77           | —          | —         | —         | 89           |
| Violation liquor-tax law .....             | —            | —          | 1            | —          | —         | —         | 1            |
| Violation park ordinances .....            | 4            | —          | 7            | —          | —         | —         | 11           |
| Violation sanitary code .....              | 1            | —          | 3            | —          | —         | —         | 4            |
| Violation section 675, Penal Code .....    | 813          | 8          | 2,027        | 2          | 3         | —         | 2,848        |
| <b>Total</b> .....                         | <b>2,522</b> | <b>297</b> | <b>4,360</b> | <b>430</b> | <b>27</b> | <b>11</b> | <b>7,647</b> |

TABLE F.—*Nativity of all persons held for trial and committed to reformatory and other institutions at the court of special sessions of the first division of the city of New York, children's court, during the year ending December 31, 1903.*

| Offenses.                               | United States. | Ireland. | Germany. | England. | Scotland. | France. | Italy. | Russia. | Greece. | Other countries. | Total. |
|-----------------------------------------|----------------|----------|----------|----------|-----------|---------|--------|---------|---------|------------------|--------|
| Arson                                   | 4              |          |          |          |           |         |        |         |         |                  | 4      |
| Assault (felony)                        | 18             |          |          | 1        |           |         | 5      | 1       |         |                  | 25     |
| Assault (misdemeanor)                   | 33             |          |          |          |           |         | 8      | 8       |         | 6                | 55     |
| Burglary                                | 164            |          | 1        |          |           |         | 21     | 13      |         | 5                | 204    |
| Carrying burglars' tools                | 3              |          |          |          |           |         | 1      |         |         |                  | 4      |
| Cruelty to animals                      | 1              |          |          |          |           |         |        |         |         |                  | 1      |
| Disorderly child (consolidation act)    | 373            | 2        | 8        | 2        | 2         | 1       | 32     | 33      |         | 24               | 477    |
| Disorderly child (sec. 291, P. C.)      | 52             |          |          | 1        |           |         | 6      | 5       |         | 8                | 72     |
| Exposure of person, indecent            | 1              |          |          |          |           |         |        |         |         |                  | 1      |
| Felonies not otherwise classified       | 4              |          |          |          |           |         |        |         |         |                  | 4      |
| Forgery                                 | 2              |          |          |          |           |         |        | 1       |         |                  | 3      |
| Gambling                                | 1              |          |          |          |           |         |        |         |         |                  | 1      |
| Improper guardianship (sec. 291, P. C.) | 713            | 6        | 2        | 2        |           | 1       | 34     | 11      |         | 28               | 797    |
| Insanity                                | 1              |          |          |          |           |         |        |         |         |                  | 1      |
| Larceny (felony)                        | 102            |          |          | 4        |           | 1       | 9      | 33      |         | 11               | 160    |
| Larceny (misdemeanor)                   | 342            | 6        | 6        | 2        |           | 2       | 72     | 38      |         | 17               | 485    |
| Maiming                                 |                |          | 1        |          |           |         |        |         |         |                  | 1      |
| Malicious mischief (felony)             | 2              |          |          |          |           |         |        |         |         |                  | 2      |
| Malicious mischief (misdemeanor)        | 35             |          |          |          |           |         | 1      | 4       |         | 1                | 41     |
| Misdemeanor not otherwise classified    | 175            |          | 4        | 1        |           | 1       | 15     | 17      |         | 10               | 223    |
| Obscene literature and prints           |                |          |          |          |           |         |        |         |         | 1                | 1      |
| Rape                                    | 28             |          |          |          |           |         |        | 1       |         |                  | 29     |
| Robbery                                 | 28             |          |          |          |           |         | 2      | 1       |         | 1                | 32     |
| Sabbath breaking                        | 2              |          |          |          |           |         |        |         |         | 2                | 4      |
| Ungovernable child (sec. 291, P. C.)    | 28             |          | 1        |          |           | 1       | 2      |         |         |                  | 32     |
| Violation compulsory education law      | 34             |          |          |          |           |         | 6      | 1       |         |                  | 41     |
| Violation corporation ordinance         | 37             | 1        |          |          |           | 1       | 11     | 19      | 4       | 4                | 77     |
| Violation park ordinance                | 5              |          |          |          |           |         | 1      | 1       |         |                  | 7      |
| Violation sanitary code                 |                |          |          |          |           |         |        | 1       | 2       |                  | 3      |
| Violation liquor-tax law                |                |          |          |          |           |         | 1      |         |         |                  | 1      |
| Violation section 675, Penal Code       | 1,568          | 23       | 14       | 11       |           | 1       | 191    | 155     | 2       | 64               | 2,029  |
| Total                                   | 3,728          | 38       | 37       | 24       | 2         | 9       | 418    | 344     | 8       | 182              | 4,790  |

TABLE G.—*Ages of those persons convicted of crime, and those convicted or placed on parole or under suspended sentence for being disorderly or ungovernable children, and of those committed for improper guardianship and because of other violations of section 291 of the Penal Code, at the court of special sessions of the first division of the city of New York, children's court, during the year ending December 31, 1903.*

|                                     | Male. | Female. | Total. |
|-------------------------------------|-------|---------|--------|
| Between the ages of 1 and 7 years   | 323   | 129     | 452    |
| Between the ages of 7 and 12 years  | 875   | 74      | 949    |
| Between the ages of 12 and 14 years | 1,355 | 82      | 1,437  |
| Between the ages of 14 and 16 years | 1,807 | 145     | 1,952  |
| Total                               | 4,360 | 430     | 4,790  |

TABLE H.—*Color of all persons convicted and committed to reformatory and other institutions at the court of special sessions of the first division of the city of New York, children's court, during the year ending December 31, 1903.*

|       | Male. | Female. | Total. |
|-------|-------|---------|--------|
| White | 1,364 | 290     | 1,654  |
| Black | 8     | 5       | 13     |
| Total | 1,372 | 295     | 1,667  |



TABLE J.—Whole number of persons convicted at the court of special sessions of the first division of the city of New York, children's court; also the number of persons so convicted who were committed to reformatory or other institutions, the number thereof upon whom sentence was suspended, and the number thereof still pending on parole, during the year ending December 31, 1903.

|                                                                        | Male. | Female. | Total. |
|------------------------------------------------------------------------|-------|---------|--------|
| Number of persons convicted .....                                      | 4,360 | 430     | 4,790  |
| Number of persons committed to reformatory and other institutions..... | 1,372 | 295     | 1,667  |
| Number of persons on whom sentence was suspended.....                  | 2,621 | 127     | 2,748  |
| Number of persons whose cases are still pending on parole .....        | 182   | 8       | 190    |
| Number of persons convicted and awaiting sentence.....                 | 18    | -----   | 18     |
| Number of persons convicted and discharged on payment of fine .....    | 167   | -----   | 167    |
| Total .....                                                            | 4,360 | 430     | 4,790  |

TABLE K.—Whole number of persons for whose arrest bench warrants were issued because of violation of parole conditions or conditions under which sentence was suspended, during the year ending December 31, 1903.

|                      | Male. | Female. | Total. |
|----------------------|-------|---------|--------|
| Bench warrants ..... | 120   | 3       | 123    |
| Total .....          | 120   | 3       | 123    |

## NEBRASKA.

A juvenile-court law was passed by the legislature in 1903, but on account of an opinion of the attorney-general in regard to certain features of the law it was vetoed by the governor.

The friends of the law expect to have it amended when the legislature meets again in 1905.

## NORTH CAROLINA.

The secretary of the board of public charities, Miss Daisy Denson, writes: "I regret to say that North Carolina has no separate court for children. I am confident that such courts will be established in the wake of the industrial school or reformatory which will almost certainly be organized at the next general assembly. There is such a strong influence against incarcerating youthful offenders with criminals that frequently they are not punished at all. I believe that our State is on the eve of adding many reforms to her penal system, especially in regard to the children."

## OHIO.

A letter from H. H. Shirer, secretary of the State board of charities, dated February 12, 1904, says: "In reply to yours of February 10, in regard to courts for separate trial of children, I desire to state that we have no law in that regard with the exception of the city of Cleveland. Two years ago the general assembly of Ohio provided that the judge of the insolvency court should try juvenile offenders according to the methods of juvenile courts. There is before the present general assembly a bill to establish juvenile courts throughout the State. There is a likelihood of this bill becoming a law."

## PENNSYLVANIA.

[Opinions of judges of the juvenile court of Philadelphia.]

After sitting in the juvenile court for three months Judge G. Harry Davis, of Philadelphia, said:

"The prevention of crime is more economical than either its suppression or punishment. The association of children with crime in the dock, in the van, or

in cells can not fail to develop a class of men and women detrimental to citizenship and an expense to the treasury of the county.

"To make good men and women out of these children they must be separated from this environment, and this is precisely the duty of the juvenile court, assisted by its probation officers, who are women of most noble and unselfish type, and who are doing in their quiet and unpretentious way a great work for the future in the reclaiming of bad children and the directing of wayward ones."

In summarizing the work of the court Judge Davis produced records showing that from June, 1901, to and including October, 1902, the court had disposed of 1,793 cases. Of these, 1,112 were delinquents and 681 dependents, and only 27 of the youngsters were returned to court again, 24 appearing twice and 3 three times. The ages of the youthful offenders ranged from 10 to 14 years, and two-thirds of their number were arraigned for petty larceny. One hundred and four were sent to the house of refuge, while the remainder were either sent home, under the supervision of probation officers, or to charitable institutions conducted in accordance with their respective religious beliefs.

[Opinions of some other judges of the court.]

"The juvenile court is its own best excuse for being, and great good must result to the children and the community from the work of the probation officers."

"Pennsylvania would retrogress fifty years if it should give up the juvenile-court law."

"Only ignorance of what it really is could make one oppose the juvenile court."

"Never have I had such service before as has been given by the probation officers, and I hope I shall never have to get along without them."

#### LETTERS.

DISTRICT ATTORNEY'S OFFICE,  
Philadelphia, January 28, 1903.

I have your letter of the 26th, and in reply thereto would say that to my mind the establishment of a juvenile court and appointment of probation officers has been the greatest advance in the administration of our criminal law in the past century. The chances of reclaiming children under 16 years of age from a life of crime are manifestly greater under the juvenile-court system judiciously and judicially administered than they are under the old system of treating children in the same way as adults, which in many cases would make a confirmed criminal of a child that might otherwise be taken care of by the proper parties and put in the right direction to go on and become a useful citizen.

The need for a court to take special cognizance of juvenile cases and for probation officers to investigate cases of children charged with crime was long felt in Philadelphia, and any legislation that serves to perpetuate this court and this system of administering our criminal jurisprudence where juveniles are involved would be of great benefit to the community.

Yours, very truly,

JOHN WEAVER, *District Attorney.*

[A letter from Hon. J. Willis Martin, president judge court No. 5, first judge presiding in the juvenile court in Philadelphia.]

My experience in administering the law in the juvenile court leads me to the firm conviction that the establishment of this tribunal is of inestimable value as a civilizing factor in the community. The entire separate treatment of children without permitting them to be brought in contact with older criminals, and the supervision exercised by judicious probation officers over children and parents, are great factors in reducing the recruits for crime.

[A letter from Judge Beitler, court No. 1.]

"The juvenile court supplies the rational method of dealing with juvenile delinquencies—the method adopted in the family—correction and oversight. It is the ounce of prevention. It gives the boy another, a new, and a better chance. It gives him, often, the first chance he has ever had to get into the straight path.



It supplements the parents' efforts, often doing what the parent would like to do, but through ignorance fails to do. It is society's effort to do for children what society has long done for the public health and the State does for animals and animal industries.

The State of Pennsylvania ought not to let go the juvenile court, in my judgment.

TENNESSEE.

Mrs. G. W. Williams, State superintendent of prison work, writes, March 7, 1904: "Our State has passed no law providing any separate trial for children, nor has it established a court for youthful criminals. Children are tried just as if they were matured men and women. Sometimes through the kindness of the judge these children are given a good lecture and are sent home. This, however, occurs very seldom. However, our governors as a rule pardon all youthful criminals under the age of 12."





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